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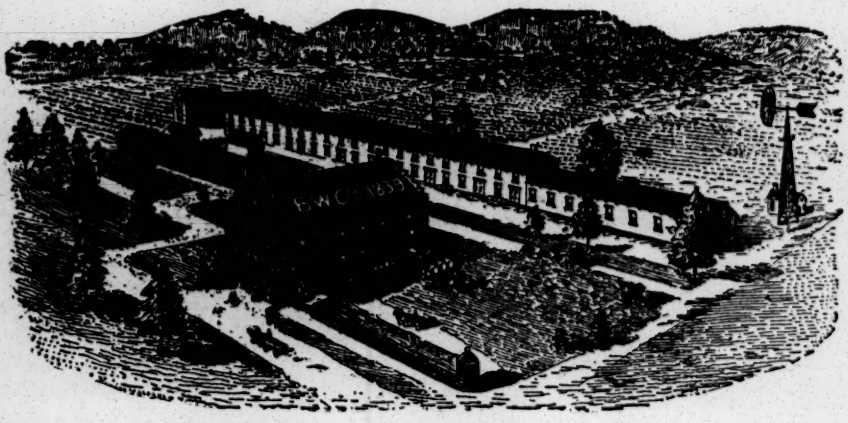

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THE ECCLESIASTICAL REVIEW

VOLUME 103.—JULY, 1940.—NO. 1.

CERTAIN PROBLEMS OF ECCLESIASTICAL BURIAL.

THE task of an executive officer of the law is always a difficult one. He must apply general principles to peculiar, and often unusual, circumstances, and always without disregarding the principle. Nowhere, perhaps, is the difficulty felt more keenly than in the administration of the burial law of the Church. The following article is devoted to several practical questions of interment and burial service in the light of the law and practice of this country. Much of what is said is merely a statement of accepted opinion on the questions discussed. But a fresh presentation may serve to clarify the legal principles.

I. BURIAL OF NON-CATHOLICS IN CATHOLIC CEMETERIES.

The Church has traditionally denied professed and recognized non-Catholics the privileges of ecclesiastical burial. Not only are funeral obsequies in church and at home to be refused, but even interment in a sacred place. As far back as Pope Leo the Great the principle was accepted: "Quibus non communicavimus vivis, non communicemus defunctis". Ecclesiastical burial, being a final and lasting sign of communion with the Church, must logically be refused to all but her members. At times, it is true, "sentiment and human affection may deserve respectful consideration". But neither are of greater importance than the bond of Christian unity preserved even in death. Therefore without making any exception (but that of final repentance), the Code denies ecclesiastical burial to all who were evidently and openly members of a non-Catholic sect (c. 1240 § 1-1°). The prohibition includes interment in any place

lawfully set aside for the burial of the faithful (c. 1204). The only exception to this principle to be found in the Code is the provision of canon 1206. There it is stated that, when the right to have an ecclesiastical cemetery is denied by civil authority, the common cemeteries may be blessed provided the majority to be interred there will be Catholics. Actually the Code does not approve or condone the burial of non-Catholics in a sacred place. It simply allows the cemetery to be blessed, even though it is foreseen that its sacredness will not be respected. The Church tolerates the abuse in order not to deprive the Catholic community of the privilege of a blessed cemetery.

It has happened (though the case is bound to be rare) that public disorder and harm to the Church could be avoided only by permitting a non-Catholic to be interred in a sacred place. The Holy Office has decided that the burial might be tolerated.[1] But there is no reason why the spiritual harm of individuals might not justify a similar toleration. This principle appears to have been the basis of a decision issued by the Holy Office on 30 March, 1859, concerning the burial of non-Catholic relatives in the *sepulchrum gentilitium* of a Catholic family. The bishop of Vienna was informed that the practice could be tolerated.[2] The published decision did not state the exact conditions that would warrant this toleration. It was not until 1888 that the Holy Office clarified its stand. An official ruling had been sought by an American bishop on the proper interpretation of the law of the Second Plenary Council of Baltimore (n. 389), which tolerated the interment of non-Catholics in certain cases. In reply the Congregation explained that the toleration spoken of in the decree of 1859 and the Baltimore statute should be understood as follows: " Curent episcopi totis viribus, ut cuncta fiant ad normam sacrorum canonum; quatenus vero absque scandalo et periculo id obtineri non possit tolerari posse." [3] Consequently the exception made by the Holy Office was intended solely as *passive* tolerance to prevent greater harm, a case of choosing the lesser of two evils. It was not meant to be a special privilege, conceding a *positive* right at variance with

[1] *Fontes* n. 843.

[2] ECCLES. REVIEW, I, 268-269.

[3] ECCLES. REVIEW, l. c. The amendment has been added to the 1859 decree as given in the *Fontes* (n. 949).

the common law. However it was an official interpretation of how the general law was to be applied, and for that reason can be appealed to in the enforcement of the law of the Code: "Canones qui jus vetus ex integro referunt, ex veteris juris auctoritate . . . sunt aestimandi;" (c. 6-2). But the principle can be applied only in so far as the interment of the non-Catholic is necessary to prevent the evils that are feared. For that reason each case must be decided separately and on its own merits, lest the passive tolerance assume the form of a positive privilege and be extended when circumstances do not warrant it. Beste considers that the fear of arousing hatred toward the Church, or of alienating people from the Church, or of causing disturbance or other serious trouble would be enough to justify tolerance of the burial of a non-Catholic relative in a Catholic *sepulchrum gentilitium*.[4] In all cases, the spiritual good of the persons concerned should be the paramount consideration.[5]

The year following the decree of 1859, a Provincial Council of Prague applied its principle as follows: "Ex mente Sedis Apostolicae toleratur ut in sepulchris gentilitiis, quae videlicet privata et peculiaria pro Catholicis laicorum familiis aedificantur, cognatorum et affinium etiam acatholicorum corpora tumulentur". A prominent ecclesiastic of the archdiocese, in a private communication to an American prelate, explained that this provision was originally intended for cases of burial in special chapels and crypts of the nobility.[6] That, no doubt, is the reason that the *sepulchra* are described as: "quae aedificantur". The Fathers of the Second Plenary Council of Baltimore (1866) incorporated the Prague decree into their legislation without modification. Reference was made to the 1859 decision of the Holy Office, *but its more general wording was not adopted.* Therefore it seems necessary to restrict the Baltimore concession to burial in specially constructed family vaults and mausolea.

[4] *Introductio in Codicem*, p. 603.

[5] The interpretation of the Holy Office did not distinguish between the interment of baptized and unbaptized relatives. *Per se* the burial of an adult infidel in a Catholic cemetery would cause its *violatio* (cc. 1172, 1207). It may be, however, that the Church is willing to tolerate an exception to the general rule. Several canonists hold that the concession of canon 1206, whereby an entire cemetery may be blessed even though the interment of non-Catholics is foreseen, implies a suspension of the law on *violatio* in the circumstances (Wernz-Vidal, *De Rebus*, n. 563; Coronata, *De Locis et Temporibus Sacris*, n. 137). Perhaps the same may be said in the case at issue.

[6] ECCLES. REVIEW, I, 113-114.

It could not be cited to justify the interment of non-Catholic relatives in an ordinary family plot, even though the grave used was walled by brick or cement. In neither case could the burial place be said to be " built ". This has been the interpretation given the Baltimore law by Sabetti, Murphy and Beste.[7] Some have insisted on even a more narrow interpretation, confining the burial of non-Catholic relatives to vaults erected on family estates. Because the *sepulchra* are described as " privata et particularia," it is said they cannot include the mausolea of a public cemetery.[8] But, regardless which interpretation is correct, it would be a mistake to conclude that the burial of a non-Catholic relative could be tolerated only if it were in a constructed vault, and never permitted in an ordinary family plot. For no matter what the Baltimore statute does allow, *it has not abrogated or modified the moral general interpretation of 1859.*

In that decree the Holy Office decided that the burial of non-Catholic relatives in the " sepulchrum gentilitium familiarum catholicarum " could be tolerated. The word " aedificantur " was not used. Now the term *sepulchrum gentilitium* (or *sepulchrum majorum*) has never been understood solely to mean a constructed burial vault. Many, who has summarized the interpretation of the pre-Code law, defines the term: " sepulchrum in quo alicujus majores seu ascendentes sepulti requiescunt ".[9] Ojetti gives a similar definition: " quod aliquis sibi et posteris constituit, vel quod pro se ab aliquo ascendente sibi constitutum invenit ".[10] Certainly such definitions include an ordinary family plot. In fact, the Holy Office itself declared on 25 April, 1860 that the decision of 1859 applied even to burial in " sepolcri privati ".[11] Evidently the extent of its *toleratio* is not dependent on the material character of the place of burial. If interment in a family vault, even outside a public cemetery, can be tolerated *ad majora mala vitanda*, why should it be forbidden in an ordinary grave? The reason why the burial of a non-Catholic in a Catholic cemetery is ordinarily

[7] Sabetti-Barrett, *Compendium Theologiae Moralis*, n. 973-3°; Murphy, ECCLES. REVIEW, LXVII, 19-20; Beste, l. c.

[8] ECCLES. REVIEW, LXXXVI, 192-193.

[9] *Praelectiones de Locis Sacris*, p. 166.

[10] *Synopsis Rerum Moralium et Juris Pontificii*, n. 2149.

[11] " . . . se quello che era stato risoluto per i sepolcri gentilizi si potera estendere ai sepolcri privati ". Letter of Cong. of Propaganda—ECCLES. REVIEW, I, 268.

not allowed is because of the sacredness of the place. Certainly a family plot is no more sacred than a mausoleum. What is tolerated in one may for the same reason be tolerated in the other. *Ubi eadem est ratio, ibi eadem debet esse juris dispositio.*

II. Catholic Burial in a Non-Catholic Cemetery.

Interment in a Catholic cemetery is not only a privilege enjoyed by the faithful; it is an obligation to be respected by the individual and his survivors. "Cadavera fidelium sepelienda sunt in coemeterio quod . . . sit benedictum . . ." (c. 1205). In a recent decision, the Holy Office has ruled that the desire of a Catholic to be buried with non-Catholic parents, or relatives, or friends would not justify interment in a non-Catholic cemetery, particularly if a Catholic service were to be held at the grave.[12] Strong as the bond of relationship and friendship is, it should not disrupt the unity of the faithful in death. Furthermore, it would seem that any public burial service is to be denied when the deceased is being interred outside a Catholic cemetery because of his scorn and disdain of the law (i.e. due to *formal*, rather than mere *material* contempt). His formal opposition to the law of the Church stamps him as a public and manifest sinner.[13] By his obstinate refusal to accept the full religious burial ordered by the Church, he deprives himself of any part of it. It is for the same basic reason that persons to be cremated at their own request are specifically barred from Christian burial (c. 1240 § 1-5°), which in the circumstances would be only the celebration of a funeral mass or some other public service (c. 1241). In fact, here in the United States, regardless of what the spirit or motive of the action may be, interment in a non-Catholic cemetery is penalized by the denial of a burial service except in the cases to be explained. This law was enacted in the First Plenary Council of Baltimore: "Ritus ecclesiasticos nolumus adhiberi in sepultura fidelium, quandoque eorum cor-

[12] *Periodica*, XXVI (1937), 467-468.

[13] Several authors maintain that the denial of Christian burial, being a vindicative penalty, is directed only against crimes condemned *ratione impietatis vel scandali socialis* (Brys, *Collationes Brugenses*, XXV, 245; DeMeester, *Juris Canonici . . . Compendium*, n. 1237). Others appear to be guided by the same principle in deciding the case of persons who neglect their Easter duty, v. g. Vermeersch, *Epitome*, II, 549 (editio quinta). Probably, therefore, Catholics who wish to be buried in a non-Catholic cemetery solely because of some economic or sentimental reason, while acting contrary to the law, would not thereby become unworthy of the remaining part of ecclesiastical burial *as public and manifest sinners.*

pora sepeliuntur in coemeteriis sectarum, vel etiam coemeteriis profanis, quando adsunt coemeteria catholica" (decree III). Even when an individual might escape penalization from the common law (at least according to the more lenient opinion), he would be subject to the punishment of the Baltimore law.[14]

Experience proved that the Baltimore enactment was causing severe hardship in two types of cases. The first was that of converts, who were being compelled to be buried apart from their families. A rigorous application of the law frequently aroused animosity toward the Church on the part of the non-Catholic survivors. Therefore the two subsequent Councils decreed that the usual funeral obsequies could be given to a convert being interred in his family plot, outside a Catholic cemetery, unless the Ordinary decided otherwise. The second case involved Catholic families. Many had purchased burial plots in non-Catholic cemeteries before the First Plenary law was enacted in 1853 (an indication that the general law in this matter was not being enforced). Even after the law was passed, some procured such plots in complete good faith. The later Councils authorized pastors to celebrate, in either case, the usual services unless forbidden to do so by the Ordinary.[15] But outside these instances, sacred rites might be performed only with the express permission of the Ordinary. By their action the Fathers of the Second and Third Councils allowed sacred rites forbidden by the First Council. That certainly was within their power. But the change they made implies more than that. It was equivalent to a permission to be buried in a non-Catholic cemetery under certain conditions, releasing from an obligation imposed by the common law without any exception. The question naturally arises: what force could these amendments have?

[14] Both the Code and the Baltimore Council intend to exclude the customary sacred rites. Therefore a funeral mass, even *absente cadavere*, or a public mass on the third, seventh, thirtieth day or on the anniversary would be forbidden, though the celebration of mass *privately*, i. e. without public announcement, might be allowed. Likewise, any public funeral service either in church or at home, even of a non-liturgical character, should be denied. Private prayers might be offered, but care should be taken to avoid even the appearance of a funeral service.

[15] The text of the law on plots acquired in good faith, as finally amended, is: "... proprium fundum ... certe sine ulla fraude post legem *acquisierunt* ..." Therefore ownership in 1886 (the year the law was promulgated) is demanded, and the concession may not be extended to plots acquired at some later date. However, the law appears to be favoring Catholic families rather than individuals. For that reason the concession it makes passes on to succeeding generations of the family.

It is admitted that a law will be suspended when its enforcement would cause serious spiritual harm, unless failure to enforce it leads to grave scandal. The Fathers of the Councils were admittedly afraid of the harm that might be done if exceptions were not made in the cases described. Therefore they decreed an exemption from the law, adding that any further exception would be reserved to each Ordinary. And apparently the Holy See had no objection to this application of the general law. The decrees of the Second and Third Councils were never formally approved by the Holy See, as the laws of the earlier councils had been. Propaganda merely issued a *Decretum Recognitionis.* By that it certified that the decrees had been examined and, outside the specific corrections ordered, were not found to be objectionable.[16] In fact, the Holy See not only refrained from correcting the decree permitting sacred rites, but itself ordered the performance of another religious service. It decreed that, whenever burial was not taking place in an exclusively Catholic section, the grave of the non-Catholic cemetery was to be blessed before interment of the Catholic person.[17] By its failure to correct the conciliar provisions, the Holy See gave its *tacit consent* to the amendments.

But the principal question at issue is: what is to be said of Catholic burial in a non-Catholic cemetery under the law of the Code, which forbids it without exception?

1). When the deceased is a convert or a member of a family that has owned a plot in a non-Catholic cemetery since 1886, interment outside a Catholic cemetery can be *tolerated* on the grounds of a contrary centenary custom and a funeral service given. It is true that a hundred years have not elapsed since the First Plenary law went into effect (1853) and funeral rites were forbidden. However, the very fact that the law was deemed necessary is proof that the obligation of being buried in a Catholic cemetery had been widely disregarded. In view of the missionary status of the Church, such a condition is nothing of a surprise. Therefore the *consuetudo facti* is of more

[16] "Etenim est *testimonium* authenticum Superioris competentis Concilium *rite* fuisse *convocatum* et *celebratum* neque in decretis, correctione facta, aliquid reperiri *censura dignum*".—Wernz, *Jus Decretalium*, II, 855-v.

[17] Undoubtedly this was intended for burial in a grave where only one interment would be made. It is questionable whether the blessing is to be given if non-Catholics are later to be interred in the *grave* with the Catholic person.

than centenary duration, going back perhaps to the earliest days. When the Holy See consented tacitly to the later amendments, by that fact the practice became legal within the defined limits. No further period of prescription was required.[18] With the advent of the Code, the legality of this custom was destroyed because it was contrary to canon 1205. But, being of centenary duration, permission was given local Ordinaries by canon 5 to tolerate its continuance whenever they deemed it inadvisable to insist on the stricter requirement of the Code. If, therefore, an Ordinary has declared that the practice may be followed in his diocese, or even allowed it to continue without objection,[19] Catholics may be interred outside Catholic cemeteries within the limits of the Baltimore law.

2). The Third Plenary Council added that any further exception could be made only with the express consent of the Ordinary, thereby revealing a readiness to meet the needs of special cases. There would be no reason to question the right of an individual bishop to exercise such power if he had to dispense merely from the law of the Plenary Council itself (cc. 82, 291 § 2). But implied in that action is permission to disregard what the Code commands. What authority has an Ordinary to do that? First of all, it is entirely probable that the hierarchy of a country may acquire, through custom, the right to dispense from a universal law.[20] If, therefore, American bishops have been making exceptions since the Baltimore statute was enacted in 1886, a legal custom in their favor would thereby exist. Secondly, canon 81 empowers each Ordinary to grant any dispensation to which the Holy See would not have objection ("de dispensatione agatur quae a Sede Apostolica concedi solet") whenever direct recourse to it would be difficult and dangerous. Certainly the urgency of immediate burial after death would exempt from the need of making recourse, and the willingness of the Holy See to have a dispensation granted can be deduced from its failure to correct the law permitting the bishops to make exceptions. Finally, if the Holy See had no objection to such exceptions prior to the Code, why should there be any now?

[18] "Quamprimum enim de illo tacito consensu ex factis concludentibus constat, jam *ante* lapsus temporis ad praescriptionem legitime requisiti validum habetur jus consuetudinarium". Wernz, o. c. I, 190.

[19] Customs are tolerated even by silence.—Cicognani, *Canon Law*, p. 489.

[20] Van Hove, *De Privilegiis: De Dispensationibus*, n. 391.

3). Outside of these instances, all religious rites must be denied to persons being interred in a non-Catholic cemetery. However, in order that this action be properly taken, it is necessary to bear in mind that, by general law, the denial of ecclesiastical burial is a vindicative penalty (c. 2291-5°). It supposes a criminal act for which the deceased is responsible. Only then is there a delict (cc. 2200, 2228). Therefore if interment in a non-Catholic cemetery is to occur solely because of the action of the survivors, and without the consent of the deceased, the *penalty* is not justified. Here again the parallel case of cremation may be cited. The Code states explicitly that Christian burial is to be denied to persons: " Qui mandaverint suum corpus cremationi tradi " (c. 1240 §1-5). And a pre-Code decision, repeated in an instruction issued in 1926, ruled that " in the case of those whose bodies are cremated, not at their own request, but at the instance of other persons " funeral rites are not thereby forbidden. But, it was added, scandal must be always avoided, and if that could be done only by refusing all sacred rites, the action would be lawful. Whenever a violation of law occurs externally, culpability for it is presumed until the contrary is evident (c. 2200 §2). If in fact the individual is innocent, the action taken against him is not a penalty for crime but a deprivation to avoid scandal. However, as often as the scandal can be effectually obviated by making the truth known, that is to be done and the sacred rites celebrated over the deceased.

III. Avoidance of Scandal.

Ecclesiastical burial is a privilege of membership in the Church, an honor conferred upon all who die in union with her (c. 1239). By means of it the deceased person becomes the beneficiary of the public prayers of the Church, and thereby his attainment of eternal glory is hastened. Before God and men he is declared worthy of salvation. This public honor paid to the deceased is a source of comfort and consolation to his survivors. For these reasons, therefore, Christian burial is to be refused only when an individual is certainly unworthy (c. 1240). In her charity, the Church is ready to give him the benefit of every existing doubt.

But the honor paid to the individual is not the exclusive purpose of the funeral rites. They serve the common good by

encouraging all to lead the life that is demanded as a condition for Christian burial. When the higher motives of eternal life fail to inspire to virtue, at least the desire to be honored by the Church in death may deter one from a publicly sinful life. The wavering fidelity of the weaker brethren will be bolstered by fear of the consequences. Therefore the granting of ecclesiastical burial should never be prejudicial to the common good by causing scandal. If, instead of being confirmed in their attachment to the Church, some would lose respect for her authority and her laws and even weaken in their determination to lead a good life, the consequence would be most unfortunate. It would have to be avoided at all costs, for the Church could never be justified in permitting or condoning this clear violation of divine law. If necessary, the rights of the deceased would have to be duly restricted.

It is not surprising that the law requires special precautions to prevent any scandal likely to arise from the granting of Christian burial to one publicly regarded unworthy of it. In allowing burial in doubtful cases, canon 1240 adds the injunction: " ita tamen ut removeatur scandalum ". Prior to the Code, several decisions were issued by the Holy See in accord with this principle. The Holy Office declared in 1866 that, if it were doubtful whether the deceased were morally responsible for his suicide, ecclesiastical burial could be given but " vitatis pompis et solemnitatibus ".[21] In a later decision, the Sacred Penitentiary ruled that deceased senators and deputies who had voted for the Separation laws in France, if not *certainly* repentant before death, should be buried with only a low mass and a simple absolution. Whereas if they were " poenitentes ", the usual rites were to take place.[22]

Even when it is certain that the deceased has repented, special measures may be necessary to prevent scandal. And Many, Cappello, and Coronata insist that the obligation to do so remains.[23] Claeys-Bouuaert appears to agree with this interpretation.[24] In a decision given in 1898, the Holy Office allowed

[21] *Fontes*, n. 993.

[22] *Irish Ecclesiastical Record*, XXIV, 4th series (1908), 666.

[23] Many, *De Locis Sacris*, n. 221; Cappello, *Summa Juris Canonici*, n. 761; Coronata, *De Locis et Temporibus Sacris*, n. 264.

[24] *Manuale Juris Canonici*, III, 54 (editio quarta).

Christian burial to be given to a person who had asked for a priest (an accepted sign of repentance) and had been conditionally absolved when almost unconscious, but ordered that the fact of repentance be made known and the usual pomp and solemnity omitted.[25] Zitelli quotes a similar decision of the Sacred Penitentiary in the case of public excommunicates and sinners who gave evidence of repentance before death but were never reconciled to the Church in the external forum.[26] In both replies the certainty of repentance (and therefore of the claim to Christian burial) did not preclude limitations demanded by the common good. In fact, the Holy See considers the avoidance of scandal so important that, in at least one instance, it forbids the celebration of any sacred rites *even though the deceased is innocent of any wrongdoing.* In its latest instruction on cremation, the Holy Office declares that the rites of the Church may be performed over persons being cremated " not at their own request but at the instance of other persons " only in so far as scandal can be effectively avoided by a declaration of their innocence. " It is beyond doubt that the prohibition of ecclesiastical burial remains in full force in this case, if the circumstances do not afford sufficient grounds for the hope that scandal will be prevented by such a declaration ".[27] The general welfare must prevail over the right of the individual.

If we conclude that scandal must be avoided whenever the innocence or repentance of the deceased is questionable or is not a matter of public knowledge, the question naturally arises as to the means to be used to attain this end. The Code gives only the general direction to prevent scandal. But the pre-Code decisions, already discussed, proposed two specific measures: divulgation of repentance and the exclusion of all pomp and solemnity. Each will be considered in turn. 1) Whenever the deceased is commonly regarded as unworthy of the ecclesiastical burial to be given him, it is only proper to correct this impression if it is wrong. Usually there will be no need of a formal announcement. The information is such that, if divulged to a few, it is likely to reach all who are interested within a short time. However, if something more official were thought advis-

[25] *Fontes*, n. 1200.

[26] *Apparatus Juris Ecclesiastici*, II, 329, Rome, 1907.

[27] Bouscaren, *Canon Law Digest*, I, 565.

able, a declaration might well be made, tactfully and considerately of course, to all present at the funeral service. The occasion might be used to inculcate anew the lesson of divine mercy. Even, in some widely publicized cases, a statement could be made in the public press. Any one who read Father Toomey's apology for the reception of the unfortunate "Dutch" Schultz into the Church on his death-bed and his subsequent Catholic interment cannot but be convinced of the effectiveness of this means of reply to criticism of the Church, because of her goodness and charity. 2) The other means of preventing scandal is the denial of any pomp and solemnity. Evidently what the Holy See has in mind is the refusal of the solemnity *usually* observed. If this is done, the concession allowed by the Church will be attributed to her leniency and will not be taken as any approval or condonation of the sinful life of the deceased. He has not lived like his fellows during life; he will not be treated exactly as they are, in death. It is a mild, but effective, rebuke to sinful conduct. In interpreting this general prohibition Augustine concludes that a funeral mass *must* be denied.[28] Coronata and Rossi, however, reject this interpretation.[29] Certainly the funeral service in such cases might be limited to a low mass and simple absolution, as the Penitentiary ruled in 1908. At least this would be an effective measure where a low funeral mass was quite exceptional. At the same time, conditions might be such that scandal could be avoided only by forbidding the celebration of any funeral mass. Brys interprets the injunction: "*vitatis pompis et solemnitatibus*" as follows: "non concedendo nisi absolutionem in Ecclesia vel simplicem missam cum absolutione sine ullo apparatu vel campanarum sonitu".[30] DeMeester adopts the same view.[31] It is true that the Holy See has never explicitly approved the denial of a funeral mass. But it has repeatedly and insistently declared that scandal is to be avoided under all circumstances. Moreover, the Ritual does not require the celebration of mass in all cases. It states mass is not to be omitted "nisi . . . aliqua necessitas aliter suadeat".[32] What could be more urgent than the avoid-

[28] *Commentary on the New Code of Canon Law*, VI, 155.

[29] Coronata, *Institutiones Juris Canonici*, n. 817, note 6.

[30] *Collationes Brugenses*, XXV, 162.

[31] *Juris Canonici . . . Compendium*, n. 1231.

[32] Tit. VI, c. III, n. 18.

ance of scandal? Therefore the Ordinary, charged as he is with the duty of enforcing the general law of the Church, would not exceed his authority in refusing a funeral mass to persons *not certainly and publicly* worthy of ecclesiastical burial if he acted to prevent scandal. As long as the funeral absolution is performed, which is obligatory in all cases,[33] and interment takes place in a Catholic cemetery, the deceased receives the ecclesiastical burial that is proper in the circumstances. The celebration of mass is not essential to the burial service.[34]

IV. Repetition of the Absolution in the Vernacular.

In many parts of this country it is customary to conclude the funeral absolution with an English version of certain of the liturgical prayers, already chanted or recited in Latin. Because this is a departure from the general principle that the celebrant is not to use the vernacular during a liturgical service, its legality is sometimes questioned. However, the practice seems to be more than a " conditio facti "; it has a certain legal basis.

The advisability of adding a vernacular version of the burial service to the rite of the Ritual was recognized in the earliest days of the Church in this country. The First Provincial Council of Baltimore (1829), while insisting on the faithful observance of the Roman Ritual and the use of Latin, allowed the addition of a vernacular version approved by the Ordinary (decree X, XX).[35] The decrees of the Council were submitted to the Congregation of Propaganda for examination and approval, and the one allowing the use of the vernacular was passed without correction or comment (amendments were ordered in seventeen of the thirty-eight decrees). The conciliar enactments even received the personal praise and confirmation

[33] *Rituale Romanum*, tit. VI, c. III, n. 17.

[34] Doctor Schaaf has taken the opposite view.—Eccles. Review, XCV, 193. But there is no text in either the Code or the Ritual which requires a funeral mass in every instance: c. 1241 excludes the celebration of mass when Christian burial is to be denied but it does not require mass when burial is given; c. 1204 refers only to " obsequies " celebrated in church; c. 1215 merely declares that the Ritual is to be followed. Authors admit that mass is not as necessary as the absolution, v. g. Vermeersch, *Epitome*, II, 526.

[35] This provision amended an earlier regulation, made in 1810 at a meeting of Archbishop Carroll and his newly consecrated suffragans, which required Latin for the " necessary and essential " form of the sacraments, but allowed the use of an approved vernacular version for " the prayers previous and subsequent to those sacred forms ". Guilday, *Life and Times of John Carroll*, II, 592.

of Pius VIII, who commanded that they be observed throughout the United States. Propaganda, in informing Archbishop Whitfield of the papal action, described it as adding the force of apostolic authority to the decrees.

In the Second Provincial Council (1833), Bishop Rosatti of St. Louis and Bishop Fenwick of Boston were commissioned to edit an official edition of the Roman Ritual as well as a compendium of it for priests on the mission, and to add to both an appendix containing the special liturgical concessions granted by the Holy See and a vernacular version " eorum quae praedictis Praesulibus vertenda visa fuerint " (decree VII). In commenting on this proposal, the Cardinal Prefect of Propaganda praised the project and expressed the desire to have both books sent to Rome upon completion. At the Third Provincial Council (1837), permission was given Archbishop Whitfield to issue the new Ritual with its appendix containing " quae ad edificationem fidelium conducere visa fuerint ", and it was made obligatory for the whole United States (decree V). In its subsequent Instruction on the decrees, Propaganda reminded the Archbishop of its desire to examine the new Ritual before publication. But apparently further action was delayed until the Fourth Council convened in 1840. According to the published *Acta* of the council, the question of the Ritual was discussed in the fifth private session. It was decided that Bishop Rosatti should take the completed version to Rome to obtain the approval of the Holy See before publication. At the same time the Fathers gave further evidence of their wish to have a vernacular version added to the prayers of the Ritual. The Archbishop was authorized to approve a translation to be printed at the bottom of each page. For the first time directions are given to have the English text on the same page as the Latin. The Archbishop was also requested to provide a compendium of the Ritual, a work which Bishop Rosatti apparently had been unable to do.

On the 21st January, 1840, Gregory XVI gave permission for the use of the Ritual submitted by Bishop Rosatti. In the rescript of approval the need of a special edition is explained. Because the cost of a complete Ritual would be high, it has been thought advisable to omit the parts never used in the United States. An appendix, containing exhortations to be given before and after certain sacraments, is intended for priests not

proficient in English or not experienced in the ministry. But no mention is made of prayers in the vernacular. It would seem that these were not included in the Ritual submitted to the Holy See. Perhaps Bishop Rosatti had left that part of the work undone, and that was the reason the Fourth Council authorized Archbishop Whitfield to arrange for the insertion of the vernacular prayers. Certainly the absence of these prayers in the Ritual submitted to Rome could not have been due to a desire to conceal what it would eventually contain. In their earlier conciliar enactments, the bishops had made no attempt to hide their approval of vernacular prayers at the conclusion of the Ritual services. And when the Fifth Provincial Council assembled in 1843, approval was again given to the practice. It was decreed that the appendix (no doubt the one approved by the Holy See) could be enlarged to include the vernacular prayers approved by the Archbishop (decree VIII). If the Holy See was opposed to the addition of vernacular prayers in the Ritual it had approved, their elimination could have been easily ordered when the decrees of the council were submitted for approval. Instead, at the recommendation of Propaganda, Gregory XVI confirmed this decree with the others and commanded their observance.

All the earlier norms regarding the Ritual and the permissible use of the vernacular were incorporated in full into the legislation of the Second Plenary Council, as part of the codification of our national law. When these decrees were submitted to Propaganda for examination, the Holy See again had an opportunity to forbid any vernacular usage, or at least to object to any conciliar approval of the practice. Instead the decrees were sent back without any comment.

Therefore, *with the knowledge of the Holy See,* 1) the repetition of the prayers of the funeral absolution in the vernacular was authorized by the hierarchy over a hundred years ago; 2) an official vernacular version was inserted in the Ritual approved by the Holy See. Both actions were ratified not only by formal approval of the Congregation of Propaganda, but also by direct papal confirmation. Pius VIII confirmed the first action; Gregory XVI the second. Because of the fact that confirmation *in forma specifica* is given only rarely and with the evident wish of adopting the regulation of an inferior as one's own, it would

be unwarranted to conclude that the conciliar enactments had become papal laws. A change of this kind may be admitted only when it is proved beyond all reasonable doubt.[36] Even the papal command, given in both instances, that the decrees be obeyed would not be sufficient. However, all canonists admit that a confirmation *in forma communi* is not without value. "Nam praelati ecclesiastici, obtenta illa confirmatione Concilii provincialis, jus saltem de facto quaesitum majori fiducia et sine formidine reprehensionis exercent".[37] As Propaganda described the confirmation given the decrees of the First Council, the Pope "ea decreta probavit, iisque Apostolicae auctoritatis robur adjecit". Therefore the custom of reciting the absolution prayers in the vernacular at the end of the funeral service began and spread without any objection from the Holy See, which could have easily expressed itself. The fact that it did not is proof of its willingness to permit the practice as long as the full Latin service would precede. And this concession has never been formally revoked. If however the Congregation of Sacred Rites, by reason of its authority to enforce the general liturgical law, would forbid the usage in any particular diocese, the existing custom would be outlawed there (c. 30).[38] But elsewhere the legality of the custom would remain unchanged (c. 17).

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[36] Reiffenstuel, *Jus Canonicum*, l. II, t. XXX, n. 8 ff.

[37] Wernz, *Jus Decretalium*, I, 115, Prato, 1913.

[38] A reply of this nature has been addressed to the Bishop of Rochester.—ECCLES. REVIEW, LXXXVI, 64, 66.

COMMUNISM AND RELIGION. III.

A Struggle unto Death.

WHILE the teachings of the founders and leaders of Communism have clearly shown its hostility toward religion, the actions of its representatives in butchering bishops, priests and Christian laymen and women for the crime of believing in God speaks with a thunder that has been heard round the world. It was heard in 1918-1919 when the Soviets shocked the civilized world by slaughtering 28 bishops and 1414 priests. Some of them were murdered under circumstances especially revolting. The Archbishop of Perm had his eyes gouged out, his face slashed, and was then buried alive. The Bishop of Belgarod was brutally beaten and then plunged into quicklime.

After languishing in prison for two months, the Archbishop of Tobolsk was taken out—only to be drowned. With the Bishop of Youriew they had a Roman holiday—cutting off his nose and ears, stabbing him time after time with a bayonet and finally cutting him to pieces. They dragged the Archbishop of Varoneje to the church of the monastery of St. Mitrofan. Throwing a rope over a rafter they slipped the noose around the prelate's head and raised him from the ground. Thus did the Soviets find a new place for a gallows—before the altar of the Lord.

In the province of Cherson they crucified three priests. At Tcherdin a priest was stripped naked and while thus exposed to the cold of a Russian winter has body was sprinkled with water until he became a pillar of ice. Thus did the Soviets sound all the notes in the gamut of human cruelty. Thus did they exhaust that strange genius of theirs for inventing new tortures for those whose only crime consisted in seeking to walk humbly in the footsteps of the gentle Nazarene who said: " Learn of me, for I am meek and humble of heart."

This fiendish hatred of all representatives of religion did not die after this orgy of bloodshed and cruelty. In July, 1927, the Soviets again shocked the world by seizing 117 orthodox prelates, and sending them to prisons, concentration camps and to exile in Siberia. The slaughter in 1918 was not confined to ministers of religion but spent itself with the greatest fury and extensiveness upon the masses of Christian men and women.

While exact figures are impossible to secure, that conservative scholar, Dr. Waldemar Gurian, quotes with approval the estimate of 1,860,000 as representing the approximate number executed by the Bolsheviks.[1]

In 1927 there were 134 churches closed or destroyed; in 1928 the number rose to 592, owing to the increased activity of the Komosolites and the League of Militant Atheists. Throughout the whole extent of Asiatic Russia not a single Catholic church is left standing. Go through Kiev, Kharkov, Odessa and the whole of Ukraine, and you will not find a single Catholic church or priest. The last priest in Podolia with a Catholic population of a million was thrown into prison in October, 1935. The last Catholic priest of Odessa, Mgr. Frison, Bishop of Limyre, was put into prison on January 10, 1936.

In the prison camps in Solovsky, Siberia, Turkestan and the Caucasus, Catholic prisoners in the direst spiritual and material wants are suffering a living death. When at last death comes to relieve their suffering, their emaciated corpses still speak of the fanatical cruelty of their oppressors who hate God so much that they take joy in killing His children. This sustained and systematic warfare against religion prompted Pope Pius XI to declare: "We see today what was never before seen in history, the satanical banners of war against God and religion brazenly unfurled to the winds."

Persecution To Be Intensified.

That those satanical banners are to continue waving and that the warfare is to be intensified is evident from the action taken at the eighteenth meeting of the Pan-Union Communist Party. It is reported in *Pravda,* the Communist organ of Moscow, in its issue of August 20, 1939, as follows: "The eighteenth meeting of the Pan-Union Communist Party [Bolshevik] laid before the party serious tasks in the field of Communist education. It is hardly necessary to prove that in the system of the Communist education of the workers in the U.S.S.R. one of the first places must be taken by the struggle against religious survivals. It is hardly necessary to prove the literal truth that anti-religious propaganda is an indispensable part of our general Marxism-Leninism propaganda."

[1] *Op. cit.*, p. 93.

Pointing out that some have failed to perceive the supreme importance of exterminating all religion, the resolution continues: " The Communist Party has always stressed the importance of the fight against religion. 'We must fight against religion,' wrote Lenin. 'This is the alphabet of all materialism and, consequently, of Marxism.' Stalin, in conversation with an American workers' delegation, also pointed out that 'we are carrying on and will carry on propaganda against religious prejudices.' Many do not fully realize the degree of distribution, tenacity and harmfulness of religious survivals. They often believe, for instance, that the union of atheists alone will be able to deal with the destruction of religious survivals. Up till now they have not understood that anti-religious propaganda is an indispensable integral part of all politically enlightening, cultural-educational and party work."

Such lack of understanding is inexcusable and the campaign must be intensified on every battle front. " The decisions of the eighteenth convention on the education of the workers, and the approaching elections of workers' deputies to the local soviets, demanded a most decided improvement in the question of anti-religious propaganda. It is necessary to draw into the struggle with religious prejudices wide circles of the Soviet intelligentsia —teachers, doctors, agricultural experts, engineers, biologists, chemists, writers—to include anti-religious propaganda in the whole system of party and Soviet cultural-educational work, and raise this backward section of the cultural front to its proper political height. The right use of these elements, their instruction and provision with the necessary materials for anti-religious propaganda can considerably accelerate the process of overcoming religious survivals among millions of workers," concludes the *Pravda* report. From this it is evident that the most ruthless and sustained war on religion in all history is not only to be continued but to be widened and intensified.

Have the Soviets discontinued their use of violence against religion? Let the Bishop Seraphim, Primate of the Russian Church in Germany, answer. " The anti-religious struggle," he is quoted in *The Tablet* of London as saying, " goes on as virulently as ever. As all Church property belongs to the State, churches are being closed as a mere matter of course.

Thus, in 1938, Odessa and Minsk saw their last churches closed to all worship. In May, 1938, no fewer than 250 priests were arrested and shot. At Easter in the same year, one hundred priests were deported. Ten Metropolitans, Archbishops and Bishops were arrested in the month of January, and six of them were shot. More recently, five Archbishops and one priest were executed. The usual pretext was that these men were German or Japanese spies, or that they had sabotaged railways or munition factories."

Spreading "Culture" in Poland.

This statement was made shortly before the war broke out in September, 1939. The murders cited therein might well serve as a prelude to what was in store for Christian Poland. Upon their invasion of Poland the Soviets began their customary liquidation of prelates and priests and their destruction of churches, monasteries and convents. An archbishop and six bishops are among the number already reported as murdered by the invading Bolsheviks. They have already begun the work of Bolshevizing the occupied territory, employing chiefly the cinema and the radio.

That the Church in Poland is now facing a war of extermination becomes daily more apparent. Count Raczynski, the Polish Ambassador to Great Britain, described to the writer the reign of terror which followed the Bolshevik occupation. On my desk here at the Bodleian Library at Oxford University, is a long list, sent to me by the Ambassador, of atrocities committed by the invading Bolsheviks. I select a few typical cases.

A Catholic Priest in Worochta on October 10, 1939, was on his way to administer the last sacraments to a dying man, when he was stopped by a group of Russian soldiers. They were perfect strangers to him. He had done them no harm. He was unarmed.

"Please let me pass," he said, "I am a non-combatant and I am on my way to a dying man."

"You are a priest," said the leader of the soldiers, "a Christian priest. Are you not?"

"Yes," he replied, "I am a Catholic priest, and I am bearing the Blessed Sacrament."

Turning to his soldiers the leader said: " Here is one of our worst enemies. We must get rid of him. Take careful aim."

Seeing that they were about to murder him, the priest placed his hands over the Blessed Viaticum which he was carrying in his bosom. They were the only wall he was able to build to shield his Eucharistic Lord from the assaults of His deadliest enemies. Scarcely had he done so, when a volley of shots rang out, and he fell riddled with bullets.

Blood streamed from a dozen wounds. But even in death his hands were still clutching at his breast, seeking to defend with his weak human hands the Infinite God who had hurled a million worlds into the reaches of endless space and then emptying Himself of His glory had come, weak and helpless, to be the defenseless Guest of the children of men.

Godless League Follows Invaders.

Let us see what they were doing in other places. Upon entering Pinsk the Soviets spy the beautiful church of the Jesuits. There are no soldiers quartered there. It is not fortified. It is a work of art. Nevertheless the Soviets bring up their heavy artillery and bombard it. They arrest all the Jesuit fathers, shooting some and deporting the rest to the Soviet Union. They then reduce the presbytery to a mass of ruins. The Bolsheviks play no favorites, however, in religion. Discovering a large Greek Orthodox Church they reduce it likewise to a mass of ruins.

One of the first acts of the Soviets after completing their work of destruction was to issue an order prohibiting all religious teaching in the schools and removing the crucifixes from the class rooms. This is an illustration of what the Soviets are doing in town after town in Poland. The speed with which they are seeking to Sovietize the territory they have seized has amazed the world. Scarcely had the sound of the cannon ceased when in marched their motley army of Red propagandists, with cinema, cartoons, posters, and news sheets to impose their " culture " upon the helpless Poles.

Commenting upon the speed with which they are attempting to Bolshevize the country, the *Osservatore Romano,* of November 15, 1939, calls attention to their concentration on the schools. All the teachers are being replaced by Communists.

Most of them are being imported from Russia, with preference being given to members of the Godless League. Here as in Russia the Communists are bending every effort to capture the consciences of the young, to convert them into Christ-haters, whose only God is Stalin and whole only Heaven is the mud of Russian fields and the grime of Russian factories.

Actions speak louder than words. They speak with a distinctness that admits of no dispute. The words of Marx and Engels, Lenin and Stalin are clear enough. The actions of their followers, however, are clearer still. They have thundered the Soviet hatred of God and religion around the globe. Thousands of ruined churches, of razed monasteries, of trampled crucifixes in Russia sing the Marxian hymn of hate. The blood of thousands of martyred priests and people have crimsoned the snow-covered steppes of Siberia in testimony of the Lenine ideology of aggressive atheism. The Spanish nation despoiled of its Churches, its convents, its schools, reddened with the blood of thousands of its priests and people, wounded and writhing still in pain, bears mute evidence of Stalin's ambition to make Europe burn at both ends.

The cries of Poland, dismembered, plundered, her churches razed, her clergy martyred, fill the ears of the world with the true story of the Red Terror. Wherever the hammer and the sickle have waved in the ascendancy, the clenched fist has become the salute, and the land has become black with the ruins of burnt churches and red with the blood of martyrs. Martyred for what? For the ghastly crime of believing in God instead of in Lenin.

Communist Tactics.

In a discussion broadcast from a Town Hall meeting in New York, Earl Browder was asked: " Why does Communism oppose religion? "

" Oh! But it doesn't. . . ." replied Browder.

Instantly roars of derisive laughter swept the vast hall, and drowned out the rest of his utterance. The audience would probably only have smiled at a white lie or a little fib, but this monstrous lie was too much to take in silence. At that very time the newspapers of the world were filled with the stories of the Red Terror in Spain, razing churches and burning priests

and nuns alive. No wonder the vast audience broke out as a single man into derisive laughter at the spectacle of a lie so monstrous and so brazen.

A similar incident occurred in the British House of Commons on the day Russia without notice and without provocation began dropping bombs on Finland. The Finns had pleaded for the peaceful settlement of Russia's claims on their territory and had eagerly accepted America's offer to arbitrate. The Bolsheviks had answered with a series of bombing attacks, the last occurring after darkness and killing innocent women and children. With this outrage fresh in their minds, the Communist member, Mr. Gallacher, like all Communists, loyal to Moscow instead of to his own country, arose to try to justify the Russian action. He was able to utter only a sentence when the House broke into jeers.

To be asked to believe that Leningrad feared it was about to be invaded by the tiny Finnish Republic and so started to bomb it in self-defense was too much of a strain on the imagination of these British statesmen. No wonder they burst into jeers at so monstrous and so brazen a lie. The incident, however, throws a livid light upon the hold that Moscow has upon its Communist members in other lands—a hold strong enough to make them stultify themselves in seeking to defend by lying its barbarous atrocities.

While this scene was being enacted in the British House of Commons, M. Daladier, Premier of France, was denouncing before the Chamber of Deputies the " abominable treason " of the Communists. He quoted their declaration made on August 25, 1939, of loyalty and readiness to co-operate in national unity against German aggression. Then he called attention to their complete *volte-face* when Russia entered the picture. " But at the beginning of September," he continued, " the leaders suddenly changed their attitude and, *at the orders of a foreign Government,* put themselves at the disposal of Germany. In this action the French Communists reflect authentically the double-dealing and mendacity of Moscow, whose dupes they are. Their action teaches France and the world the much needed lesson that Communists are without loyalty to their own country and are ready to stab it in the back on orders from the Russian Komintern.

Let the record tell the story of Soviet treachery. In spite of a ten-year non-aggression pact with Poland, the Bolsheviks invade the hapless land when the Poles are fleeing from the German military machine, and pounce like hyenas upon the crushed and wounded, devouring them like beasts of prey. They then reduce the tiny Republics of Latvia and Estonia to vassal states. Their rapacity still not satisfied, they invade the little Republic of Finland asking the world to believe they are doing it in self-defense.

The indignation of America and of the entire civilized world at this latest outrage finds expression in the words of the New York Herald Tribune of November 30, 1939. "*In bold, crude, barefaced mendacity the Government of the Soviet Union has no peer in history.* The Kremlin's propaganda is an impudent challenge to the credulity of the world. In perpetrating her outrage upon Finland, the Soviet Union stands self-convicted of a coldly calculated crime against human decency for which Communism will not be forgiven while two or three adherents to that subhuman cult gather together under the hammer and the sickle anywhere in this world."

To the crime of persecuting religion, trampling on the sacred rights of conscience, Communism in America adds the crime of wholesale lying and deceit. Taught to conceal their membership in the Communist party, they mask their traitorous and unAmerican activities under such nice-sounding names as the League for Peace and Democracy, the League Against War and Fascism. Dozens of highly patriotic titles such as these cloak their pernicious activities and deceive the unwary. They are wolves in sheeps' clothing.

They cannot deceive indefinitely, however, the healthy common sense of the American people. Because they esteem as dearly as life itself the sacred rights of conscience, freedom to think, freedom to speak, and freedom to worship, they will never accept a system which tramples upon these precious human rights. Communism does trample upon them. It tyrannizes over the individual, reduces him to a mechanical robot and robs him of his soul.

God—Source of Spiritual Value.

All spiritual values in the last analysis stream from God. Man differs from animals because he has a spiritual soul which is an emanation from the nature of God. As the moon shines with the reflected light of the sun, so man's face, uplifted from the sod, shines with the reflected splendor of Him who is the Light of lights. God dispelled the darkness of the earth when on the morning of creation His face broke through the clouds. It is this reflection of God which constitutes the sanctity of the human personality and renders man a being of surpassing dignity and of a value which transcends the created universe. God is therefore the enduring foundation of all the spiritual values which make human life worth while. Remove God and man falls to the status of an animal whose ambit is bounded by earth and sky, who grubs in the earth and finds his highest satisfaction in plunging his head in the swill barrel of animal sensations.

In trying to remove God from human life, Communists are attacking man because they are attacking the source of all man's deepest values. Our American civilization is intertwined with spiritual values, freedom of speech, freedom of the press, freedom of worship, a recognition of the inherent dignity of the human personality which transcends all chattel, all commodities, all earthly kingdoms. These spiritual values which constitute the warp and woof of our American civilization stream back to God from whom they derive their reality and substance. There is therefore an irreconcilable conflict between Communism with its gross materialism and its cynical atheism and American civilization with its rich texture of spiritual values which run like a delicate network of arteries to the great heart of God which vitalizes them and renders them functional.

In establishing the inherently atheistic character of Marxian materialism we are showing its intrinsic hostility to American civilization and the basic reason why the American people will never knowingly accept it. Here as elsewhere, however, vigilance is the price of liberty. That is why it behooves every American, regardless of racial origin or religious faith, to be on his guard against the crafty propaganda of those misguided agents of Moscow, who would rob us of that heritage of American freedom which passes all price.

In a world where the individual is trampled upon by the juggernaut of the all-powerful State, and trampled under the iron heel of dictatorships of the Right and of the Left, America still holds aloft the torch of individual liberty and proclaims the sanctity of human rights. As long as we do not allow our vision of the ultimate source of those rights to be blurred, as long as we do not seek to sever our relationship with the God who made us, to walk as exiles in a dreary land, we shall keep that torch flaming high in the skies to proclaim to all the world that America is still the land of liberty, the sanctuary of undying human rights, the ark of man's covenant with God.

[CONCLUSION.]

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THE MARRIAGE OF PERSONS INFECTED WITH VENEREAL DISEASE.[1]

1. The Venereal Problem and Quarantine Legislation.

THAT the state has a legitimate interest in the health and well-being of its citizens and has a right and duty to exercise its powers of quarantine to stop the spread of disease is a principle which few will deny. That the state has no right to lay down diriment or prohibitive impediments to matrimony is a general principle of Catholic theology.

This raises the problem whether or not present legislation concerning the marriage of persons suffering from acute venereal disease is a legitimate exercise of quarantine authority, or an attempt on the part of the state to usurp the authority of the Church and lay down canonical impediments to matrimony. That the legislation is sometimes at least conceived of as a quarantine measure is easily apparent to one who reads the state laws. Thus the California law expressly speaks of the act as a quarantine procedure, and words the prohibition in this wise: "Any person infected with a venereal disease in an infectious state who knows of such condition and who marries or has sexual intercourse is guilty of a misdemeanor punishable by a fine not exceeding $500.00 or imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment."[2] The words "who marries or has sexual intercourse" clearly indicate that the purport of the law is not primarily and directly to lay down matrimonial impediments, but to prevent the spread of venereal disease. But quarantine activity is clearly within the power of the state.

The North Carolina legislation reads: "Syphilis, gonorrhea, and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable, and dangerous to the public health. It shall be unlawful for

[1] My reply to Dr. Francis J. Connell's criticism in the April 1939 number of The Ecclesiastical Review was delayed by my absence in Europe, and then by the fact that this communication had to be sent abroad for censorship before it could be published.

[2] Deering's General Laws of the State of California. San Francisco, Calif., 1938, Vol. II, Act 6264, § 13. Venereal infection is defined in the General Laws of the State of California as: "syphilis, gonorrhea, chancroid, lymphogranuloma inguinale, and granuloma inguinale." *L. c.*, Act 6294, § 3.

anyone infected with these diseases or any of them to expose another person to infection." [3] This is evidently a quarantine restriction which postpones the marriage of a person with an acute venereal infection, and yet the law does not even mention matrimony.

A recent article in the *Journal of the American Medical Association* calls attention to the quarantine character of this legislation in the following words: "Law on the question of the transmission of infectious disease rests fundamentally on police powers conveyed by the legal enactments establishing state boards of health and supported by favorable decisions in the courts on issues involving quarantine and the protection of the public against the dissemination of infection." [4]

2. The Church Alone has the Power to lay down Matrimonial Impediments.

Anyone who can see that marriage is a sacrament must realize that the Church alone has the right to legislate concerning impediments to matrimony. While that is true, it is possible that the state in carrying out its own proper functions will at times prevent for a time certain of its citizens from contracting matrimony.

When a state in the exercise of its quarantine authority says that it shall be unlawful for anyone infected with a venereal disease to expose another person to infection [5] and makes no explicit reference to marriage, the law should not be looked upon as an attempt to lay down a canonical impediment to matrimony. When the law goes further and refuses a marriage certificate to one infected with a venereal disease, are we to look upon this as an attempt to lay down a canonical impediment to matrimony, or an honest attempt to quarantine an individual until marriage will be safe for him and his children?

How are we to tell whether or not a law is to be conceived of as directly concerned with matrimonial impediments? Naturally by the intention of the legislative authority. But when

[3] North Carolina Code § 7191, 1919, c. 206, s. 1.

[4] John H. Stokes and Norman R. Ingraham, "Syphilis and the Law", *J. Am. Med. Assoc.*, 1939, 112, 1133-1143.

[5] See North Carolina Code § 7191 cited above.

I pointed out in my last article the present legislation is not to be conceived of as an attempt by civil authority to usurp the powers of the Church and lay down matrimonial impediments, Dr. Connell answered that we are not interested in the *subjective* attitude of the lawmakers but in the *objective* legislation. If a man killed another in self-defence, one might say to him: did you or did you not kill the man? And he might answer, I killed him, but my intention was to defend my own life and not kill the man who attacked me. But if the other answered, I am not interested in your subjective attitude but only in what you actually did, it would be an unjustifiable clouding of the issue.

Is there no distinction between prohibiting marriage for a time and an attempt to lay down a canonical impediment to matrimony? Is a temporary prohibition of marriage by any authority except the Church in itself a sinful procedure, which cannot be undertaken even to save from serious harm or total disintegration the lawmaking body?

3. Canonical Impediments and Civil Prohibitions.

When the state refuses a marriage certificate to a person infected with venereal disease until the infection has been cleared by treatment, is it exercising its right of quarantine, and does it do so justifiably even though it delays the marriage of the person concerned for a relatively short time?

Dr. Connell, as we have pointed out, would concede the state the right to segregate these persons during the time in which they might contaminate others. That measure has been considered [6] and certain flagrant offenders "taken under control in protection of the public." But "it is no more practicable to quarantine a half-million of the vigorous adult population than it is, as Burke said, 'to draw up an indictment against an whole people'." [7] But if the state has the greater power, it also has the lesser. If it can lock up a person contemplating marriage when suffering from an active acute venereal infec-

[6] The Ohio Code reads: The district board of health may provide for the quarantine of such carriers of syphilis, gonorrhea or chancroid as the state commissioner of health shall order to be quarantined. Throckmorton's Ohio Code, annotated, Baldwin's 1936, 1261-1268.

[7] William Allen Pusey, *The History and Epidemiology of Syphilis.* Springfield, Ill., 1933, 94.

tion, it can exercise the minor quarantine power of simply refusing him a marriage certificate.

The action of the state in forbidding persons to marry when they have an active venereal disease is like that of a good father who tells a child that various reasons connected with his own welfare and that of the family demand that he postpone his wedding. When a father does that he does not, in the canonical sense, lay down matrimonial impediments. When the state does likewise, it does not necessarily lay down impediments to matrimony, in the canonical sense. Every prohibition of marriage does not necessarily constitute an impediment, either diriment or prohibitive.

That a prohibition of marriage does not necessarily imply the setting up of canonical impediments to matrimony may be gathered from the Codex itself. Thus Canon 1039 reads:

> It belongs solely to the supreme ecclesiastical authority to lay down an authoritative declaration as to when the divine law prohibits or invalidates matrimony.
>
> It belongs exclusively to the same supreme authority to lay down other impediments for the baptized which prohibit or invalidate matrimony by way of a universal or a particular law.

But the very next canon gives to a bishop the right of prohibiting matrimony under certain conditions.

> The ordinaries in various places can prohibit matrimony in a special case (casu peculiari) for all actually residing within their territory and for all their subjects even outside the confines of their territory, both for a time only and for a just cause while it lasts. (1039)

The Codex, therefore, recognizes a distinction between laying down canonical impediments and prohibiting matrimony for a certain time, given a just cause. The former belongs exclusively to the supreme ecclesiastical authority; the latter is expressly granted to bishops. One cannot, therefore, argue that because a law prohibits matrimony for a certain time, it is by that very fact encroaching upon the exclusive power of the Church to lay down impediments to matrimony, whether diriment or prohibitive.

The power of the state to prohibit matrimony in special cases and for a time only is not denied by the Codex; on the

other hand, it is specifically recognized by good canonical and theological authority. Thus Dr. Donnelly, citing Gasparri and Cavagnis, pointed out in the July 1939 issue of THE ECCLESIASTICAL REVIEW that natural law may oblige one to postpone a contemplated marriage and " civil authority may intervene to enforce this obligation either by forbidding the marriage ' pure et simpliciter ' as long as the circumstances last or by demanding that certain conditions be fulfilled before the marriage is allowed to take place." [8]

The same position is taken by Tanquery. [The civil power] " can prohibit, not indeed under penalty of invalidity, but under other penalties, for example, fines, loss of civil rights, that anyone should marry, except under certain conditions which the public good demands, for example: that minors should marry without their parents' consent, that soldiers should take a wife without permission of civil authority." [9]

Dr. Connell in his answer said he was entirely in accordance with Dr. Donnelly, " provided the state limits itself to matters prescribed or forbidden by the natural law according to the teaching of the Catholic Church." [10]

It is worthwhile, therefore, discussing the problem of the marriage of persons infected with venereal disease in the light of the general principles of Catholic moral theology and the present status of modern therapeutic methods. This is particularly necessary because even in the last few years such remarkable advances have been made that the discussions of theologians of our own day no longer apply to the venereal problem in the year of our Lord 1940.

4. THE RIGHTS OF LEPERS AND SYPHILITICS.

Does the law of nature demand the postponement of matrimony in the presence of venereal infection? It would seem that on the very face of it, it does. But, says Dr. Connell, it is not against the natural law for a person infected with a venereal disease to marry, provided that his partner knows his condition and consents to the marriage. And he cites various

[8] P. 18.

[9] *Synopsis Theologiae Dogmaticae. De Poenitentia et Matrimonio.* Paris, 1932, § 974, 190.

[10] THE ECCLESIASTICAL REVIEW, 1939, July, p. 19.

theological authorities who give anyone the right to marry a person with " leprosy or any grave ailment of the same nature," if both are cognizant of the condition.[11]

Furthermore, citing Sabetti-Barrett, he says: " Although when the healthy party has reason to fear infection from a serious disease, this party is not obliged to give conjugal relations, yet he or she may do so out of conjugal love, and often this would be a noble deed of charity. And even though defective offspring are conceived, yet it is better to be thus than not to be at all, as St. Thomas says." [12]

But notice the above phrase in quotation marks: *" leprosy or any grave ailment of the same nature "*. In my last article I maintained that, because at the present day various venereal infections *may be cured in a relatively short time,* infected persons should wait before entering upon matrimony and not run the very great danger of infecting the matrimonial partner and the offspring.

If the opinions of theologians on marriage with venereal infection are based on the fact that venereal disease belongs in the same category with leprosy, and if it did until very recently but is not in the same category at the present day, it is not justifiable to accuse one who points out the change of thereby maintaining " that the Catholic Church seems to have failed in its duty as the divinely established interpreter and guardian of God's law, by allowing for centuries something to be proposed to its members as licit which in reality is immoral." [13]

5. Growth of Knowledge about Syphilis.

Let us first take a glance at the history of syphilis. If the disease existed in Europe prior to the discovery of America, it was not differentiated from a heterogeneous group of disorders that affect the skin, such as leprosy, eczema, psoriasis, impetigo,

[11] Ibid., 514, citing Wernz-Vidal. *Jus matrimoniale*, N. 489.

[12] Aloysius Sabetti, S.J., *Compendium Theologiae Moralis.* (Ed. 20 a Timotheo Barrett, S.J.), New York, 1920, § 941, 979-980. On the other hand, Sabetti-Barrett admits the right of the dull of mind and diseased to marry if they are not impotent, on account of the danger of incontinence, and then says: " It is likewise certain that if such intend to be married they should make use of every resource of medicine to be cured of disease. Indeed they should wait such a time for this cure that there would be a basis of hope that serious consequences would be much lessened or absolutely disappear; and so a minimum of danger would be created for the copartner." *Ibid.*, § 842, 7°, 834-835.

[13] Dr. Connell, The Ecclesiastical Review, 1939, p. 332.

etc. It apeared in pandemic form some years after the discovery of America and impressed the physicians of the period as a new disease unknown in the history of medicine. It has seemed, therefore, to some to be of American origin.

This concept of the American origin of syphilis has been often attacked and one will find the statement that the disease is as old as humanity. Karl Sudhoff may be mentioned as the chief antagonist of the view that syphilis started in Europe from the infection of the sailors of Columbus, who returned and were the original source of the epidemic that broke out after the dispersal of the army of Charles the Eighth in the last years of the fifteenth century. Perhaps the most suggestive evidence is the fact that syphilitic lesions are abundant in the bones of Precolumbian Peruvians, but have not been conclusively demonstrated in the examination of thousands of Egyptian remains.[14]

What was the first picture of syphilis when it presented itself in the early sixteenth century? It is this picture which the theologians of the sixteenth and perhaps the seventeenth century probably had in mind when discussing the morality of marriage with a person infected by venereal disease.

According to Bartholomew Senarega, who was an ambassador to Charles the Eighth in 1494,

> . . . a new and hitherto unknown disease commenced to show itself two years before the arrival of the French in Italy. It had infested the two Spains, Andalusia (la Bétique), Portugal (Lusitania), and Catabria before invading Italy. It inflicted on those suffering from it the most cruel torments, particularly if it affected the joints. Ulcerations appeared over the whole body, worse and more horrible than variola [small pox]. Softened by frictions and drying in consequence, they appeared again more numerous and painful than ever, like to the skin lesions of leprosy and always repulsive.
>
> Fever was rare. The disease was found with women and men, particularly on the sexual parts, but it spared those who led a sober and regular life.
>
> The treatment was the same for both sexes, and very difficult. Few succumbed except those in the low ranks of life. And few

[14] See Wm. Allen Pusey, *The History and Epidemiology of Syphilis.* Springfield, Ill., 1933, 23 ff. Quoting G. Elliot Smith. *Introduction to Bryan's Ebers Papyrus,* xxvii, 1930, and Williams, *Archives of Pathology,* 1932, 13, 779, 931.

were completely cured. But those who were once attacked, never regained their former health.[15]

Whether or not syphilis originated in America, the land of unlimited possibilities, is not of essential import in the present discussion. The fact is that either as a new disease or as a violent exacerbation of a dormant endemic infectious disorder, it called attention to itself in the early sixteenth century and soon commenced to appear as a distinct entity in theological discussions.

The first picture of syphilis that the theologians of the period considered was that of a painful disgusting skin disease sometimes affecting the joints, which seldom caused death and generally led to a permanent impairment of health. At first the element of transmission to offspring was naturally unnoticed, and this is often not mentioned in the discussions of the seventeenth and eighteenth century theologians. The knowledge that it caused paralysis and insanity came much later. It resembled leprosy in the fact that it produced disgusting skin lesions and that it was chronic, progressive and incurable. Unlike leprosy, it was soon found to manifest periods of latency in which visible symptoms disappeared.

Such was the concept of syphilis that was in the minds of the earlier theologians when formulating their ideas about the marriage of persons afflicted with venereal disease. When were new features painted into the picture, and when did they become generally known?

The hereditary feature was observed very early. Paracelsus (1493-1541) is accredited with having observed it and his observation was confirmed by Ambroise Paré (1510-1590).[16] But the idea was perhaps not accentuated in medical literature until the latter half of the eighteenth century.[17] It was left to Fournier to bring out the concept of syphilis as the cause of degenerative diseases, such as paresis and tabes, and the dangers of marriage with a partner infected with syphilis, un-

[15] Translated from Paul-Robert Leveque, *Du traitement de la grosse vérole aux xv^e et xvi^e siècles.* Thèse, Paris, 1925, 13-14. He is quoting *Commentaria de rebus gennensibus in Muratori.* T. XXIV, col. 558, A.B.C.D.

[16] William Allen Pusey, *The History and Epidemiology of Syphilis,* 39.

[17] *Ibid.,* p. 43.

less the infected person had gone through a long series of antisyphilitic treatments.[18]

Anyone who has seen a paretic patient bereft of all mental powers, unable to speak and his wasted body twisted out of shape by permanent contractures, might well prefer even the "leonine leprosy," of which St. Alphonsus speaks, to death by paresis.

6. Progress in the Treatment of Syphilis.

From the time of its first appearance until the close of the first decade of the twentieth century syphilis remained a chronic incurable disorder, in many ways worse than leprosy, capable of affecting any organ or region of the body, finally terminating in death and death often preceded by complete mental degeneration in the form of paresis. About 1910 Ehrlich made known his success with treating syphilis by arsphenamine. Though the remedy did not live up to the expectations of popular hopes, its combination with other remedial measures has taken syphilis out of the group of hopelessly chronic incurable disorders. As pointed out in my last article, if attacked in the early stages, there is good hope that 70 weeks of vigorous and continuous antisyphilitic treatment will render the patient free from infection. If, then, he waits a year longer and there is no evidence of a return of any syphilitic symptoms, the patient is probably completely cured. Prior to the modern methods it used to be a general rule: once a primary syphilitic lesion, never another. Since the days of modern therapy, patients after a course of treatment have again exposed themselves and have returned to the physician with a new primary lesion. The reason for this is that in the earlier days patients were never cured, and so the disease did not recommence a new course but continued its regular development. There is no real immunity acquired. And when the patient is cured, he is subject to reinfection.

And so we may say that at the present day syphilis, unlike leprosy, may be cured. The first hopes for the cure of leprosy by chaulmoogra oil seem to have faded. Should, however, leprosy become curable in a relatively short time, it is quite clear

[18] *Ibid.*, p. 61.

that if this occurs and becomes generally known to moral theologians, they will take it into consideration in discussing the morality of lepers marrying without waiting for treatment.

When, therefore, the theologian considers at the present day the problem of the moral duty of a syphilitic to wait for treatment before he marries versus his problematic right to rush into marriage without treatment because of the dangers of concupiscence, there are certain points the theologian should consider.

I. Two weeks of good treatment will render the patient non-infectious as far as the ordinary contacts of life are concerned.

"It is quite unnecessary," says Joseph Moore, "for the average patient with early syphilis to abandon or change his occupation because of his infection, unless he is a food-handler or engaged in some other duty, such as that of child's nurse, involving close physical contact with other individuals. Even in this case a temporary lay-off during the first 2 weeks of arsphenamine therapy eliminates the relatively remote danger of infection of others by the average indirect physical contacts of daily life (provided, of course, treatment is regularly continued)." [19]

II. Closer contacts, such as kissing, remain possible sources of infection during the first six months of treatment, but even then kissing " should be limited to more or less platonic salutes on the cheeks rather than to moist contact of the lips." [20]

III. Treatment should be continued for one full year after the blood Wassermann has become negative, or better still for a full year after a course of 70 weeks of treatment, even though the Wassermann becomes negative earlier in its course.[21]

If, during this year of waiting, the patient has no symptoms at all of a recurrence of the disease, then the physician says that

[19] Joseph Earle Moore, *The Modern Treatment of Syphilis*, Springfield, Ill., 1933, 169-170.

[20] *Ibid.*, p. 170.

[21] *Ibid.*, 191, 199. Also Joseph Earle Moore, " Management of Syphilis in General Practice ", Supplement No. A. to *Venereal Disease Information*, Washington, 1938, 55.

the patient's semen is no longer infectious and will probably remain so, and that he may in conscience marry, though he should return for periodic blood tests as long as he lives.

In sporadic cases genuine cures may be obtained in a very short time. Thus Hoffman writes: "In keeping with Ehrlich's theory of *sterilisatio magna,* I was able to achieve permanent cures with one or two strong doses of old salvarsan (606) in serious cases of secondary syphilis which were kept under control for twenty-five years." [22]

But the difficulty is that in a given case we cannot tell whether or not the patient is cured by a few treatments, unless we stop the treatments and wait for twenty-five years. Experience shows that with short courses of treatment cures are exceptional and relapses all too common. However that may be, the possibility of the complete cure of syphilis is to be taken into consideration in determining the moral principles which apply to the marriage of syphilitics as compared with lepers.

7. The Emergence of the Problem of Gonorrhea.

When did the problem of gonorrhea emerge as a distinct entity from the general picture of venereal infection? Some of the early writers mingled the symptoms of gonorrhea and syphilis and, as a matter of description, they were perfectly correct because patients often had both diseases at the same time. As the years rolled on physicians commenced to distinguish syphilis and gonorrhea as two distinct infections. But John Hunter (1728-1793) again confused the issue by maintaining that they were but two forms of the same infection. This concept was definitely overthrown by Philippe Ricord (1799-1889), and he attributed the inflammation of the eyes of new born children to a gonorrheal infection of the mother prior to birth.

Adequate knowledge of the serious character of gonorrhea is thus a matter of relatively recent acquisition. Nöggerath, in 1872, without full proof, attributed to gonorrhea the rather frequent acute and chronic infections of the genital tract of women. He pointed to the fact that gonorrhea can be latent,

[22] Ehrich Hoffman, "The Early Treatment of Acquired Syphilis", *Am. J. of Syphilis,* 1938, 22, 85.

that is, give no noticeable evidence of itself, and still be the source of infection to another party. This led Credé to dropping into the eyes of all children immediately after birth a solution of silver nitrate (1: 50). This procedure was followed by an almost complete disappearance of *opthalmia neonatorum* in his hospital.

The fact that gonorrhea is largely responsible for the sterilization of those who cannot beget or bear children is a matter of recent information and could not be taken into consideration by the early theologians.

As to the treatment of gonorrhea, only in very recent times has progress been made.[23] But the progress which has been made very recently is most remarkable.

8. The Development of the Treatment of Gonorrhea.

In the sixteenth and seventeenth centuries gonorrhea was often untreated. In the early eighteenth century remedies commenced to appear which were taken internally and were supposed to act during the processes of urinary secretion. During this period and on into the nineteenth century gonorrhea was a chronic disorder manifesting, however, a latent period. In this latent period the infected person was free from symptoms, but could communicate the disease to another in sexual intercourse. Women infected with gonorrhea would have children who very shortly after birth developed an inflammatory condition of the eyes often terminating in complete blindness. In the nineteenth century an advance was made by the introduction of local remedies and only in the last few years has it been discovered that modern methods of hyperthermia and also the new remedy, sulfanilamide, are capable of working apparently miraculous cures in both acute and chronic conditions. Consider, for instance, the results of treatment with the new remedy, sulfanilamide.

> Fifty-five per cent of the cases were cured clinically and bacteriologically. Forty-five per cent of the cases were cured clinically, bacteriologically and serologically. . . .

[23] Carl S. F. Credé, *Die Verhütung der Augenentzündung der Neugeborenen.* Berlin, 1884, v + 63. See Victor G. Vecki. "Fifty Years of Progress in the Treatment of Gonorrhea", *J. Am. Med. Assoc.*, 1925, 85, 1609-1612.

> The average time required for the smear and culture to become negative was: 3 days in the males; and 9 days in the females and children.
>
> The average time for cure of the patient was: 11 days in the males; 22 days in the females and 19 days in the children.[24]

Again look for a moment at the treatment of gonorrhea by hyperpyrexia.

> In thirty-one cases of gonococcic infection in which the patients received treatment equivalent to or greater than the thermal death twenty-five, or 81 percent, were cured by a single session of fever at 41.5 C.[25]

If leprosy could now be cured in 81 per cent of the cases by some kind of single treatment, would anyone hold that the principles of the seventeenth century were still to be applied without regard to modern methods of therapy?

What solution would a theologian at the present day give to the following problem?

1. Mary wants to marry John, who tells her that he has an acute gonorrheal infection.

2. If she marries him at once without waiting for any treatment, she will very probably be infected herself. The infection may render her sterile so that she can never bear any children. Furthermore, if she does bear a child, it may become blind by contracting a gonorrheal inflammation of the eyes during birth. If proper precautions are taken, this latter calamity is not likely, though every now and then it does happen in spite of precautions.

3. If she waits from 3 to 10 days till John undergoes treatment, she may be able to marry without fear of contracting gonorrhea, though she may have to wait several weeks or perhaps even several months before John is given a clean bill of health.

[24] Alfred Cohn et alii, "A Clinical and Experimental Evaluation of Sulfanilamide in Gonorrhea", *Trans. of the Am. Neisserian Medical Society*, Washington, D. C., May 16-17, 1938 (4th Annual Session).

[25] Stafford L. Warren, Winfield W. Scott and Charles M. Carpenter, "Artificially Induced Fever for the Treatment of Gonococcic Infection in the Male", *J. Am. Med. Assoc.*, 1937, 109, 1430-1435. See also E. H. Parsons, P. N. Bowman, and D. E. Plummer, "Artificial Fever Therapy in Gonorrhea in the Male", *J. Am. Med. Assoc.*, 1937, 109, 18-20.

4. Can she on the grounds of affording John a " remedium concupiscentiae " ask for a dispensation from the banns and marry John at once without waiting for any treatment at all?

9. Fundamental Principles of the Older Theologians.

If one reads the older theologians, one will see that one is justified in marrying an infected person and exposing oneself to the infection only under certain conditions. Let us turn to these theologians for a clearer understanding of the problem. The principle that runs through the discussion of the problem is thus stated by Sporer: " Whenever grave danger of bodily well being, such as death or a serious and dangerous disease, is to be feared from rendering the marriage debt one is not bound to render it.[26] The reason is this: By a natural interpretation the married parties in the matrimonial contract give to one another power over the body, the freedom from injury to their own persons being presupposed. Indeed, since they do not have dominion over their own bodies, they cannot allow them to be used in such a danger of death or serious illness, much less offer them. Consequently in any such danger, they sin in carrying out, asking and granting the marriage act. *A fortiori,* therefore, one is not bound to render the debt to one who asks in the presence of such danger, because he asks unreasonably, unjustly and illicitly." [27]

The same principle is made use of by Pius XI in his encyclical on Christian Marriage. He argues that sterilization is wrong because " private individuals have no other power over the members of their bodies than that which pertains to their natural ends; and they are not free to destroy or mutilate their members, or in any other way render them unfit for their natural functions, except when no other provision can be made for the good of the whole body." [28]

This is essentially the same principle that I culled from Lehmkuhl and must be looked upon as a general principle of Catholic moral theology. Naturally, Sporer and the other theologians limit the principle by circumstances, and Dr.

[26] This he terms " communissima cum D. Thoma, Scoto, aliis in 4 dist. 32. aliisque quos late citat et sequitur Sanchez. l. g. disp. 24, n. 16." Laymann, cit. c. 1 et 5.

[27] Patritius Sporer, *Theologia Moralis Sacramentalis.* Salisburgi, 1711, Pars IV, Cap. ii, Sectio iii, § 514, p. 586.

[28] *Four Great Encyclicals.* New York, Paulist Press, 96.

Connell points out rightly that the principle must be limited, so that for a sufficiently grave reason one may allow an injury to his body or even sacrifice his life. But that is not the question. The problem I have raised is whether or not with the present possibilities of curing venereal infection one can risk life and health by marrying a person with acute venereal disease without waiting for the results of treatment. But let us first consider the limitations imposed on the principle by the early theologians.

First let us look at the limitations placed on the principle by Sporer. He goes on to point out that the healthy partner is not bound by either justice or charity to render the debt to the infected partner, "although he would do so holily and commendably, and even at times ought to render the debt out of charity: if the contagious disease, syphilis or leprosy should be one that lasts for a very long time (valde diuturnus sit). For it is exceedingly difficult for some to persevere in a perpetual conflict against the motions of concupiscence." [29] He then points out that this is the meaning of a passage in Alexander III.[30] But the reason, he says, why the pontiff held this view arose from the presumption that the body could be covered in such a manner that there would be in general no proximate danger of contracting leprosy while rendering the debt.

The apparent concept back of the view of Alexander III is that infection would take place through contact with skin lesions in various parts of the body. But while this is true of the skin lesions of syphilis, it leaves out of consideration direct communication through the genitalia, and there is no way of avoiding infection by this route except by the use of the condom which is in itself an unlawful method of intercourse.

10. The Distinction between Acute and Chronic Diseases.

It is evident, however, that this limitation of the principle of man's duty to maintain his personal integrity does not apply if

a) the disease in question is not chronic and incurable, but may be rendered non-infectious or cured in a relatively short time.

[29] *Ibid.*

[30] Cap. 2. De conjug. lepros.

b) the disease is almost certain to be acquired by rendering the marriage debt, there being no lawful way of rendering it and at the same time preventing infection.

Sanchez, long before Sporer, laid down the principle of man's duty to maintain the integrity of his own body, and like Sporer held that it is " illicit for a man to render the marriage debt when it involves serious danger of his own health, and likewise for a woman." [31] But he points out this principle must be tempered by circumstances. An important circumstance limiting the principle is the duration of the disease which renders the marital act dangerous. And Sanchez, like Sporer, maintains that in diseases which *last a long time and become chronic,* one who renders the marriage debt to his diseased partner does a meritorious act.[32] In acute and dangerous diseases " the marriage act is to be put off until the diseased party is cured." [33]

Laymann, in discussing this problem, writes as follows: " One must make a distinction whether or not the cause is perpetual from which one fears a contagious disease for the offspring. For example, leprosy. Then it is lawful to ask and necessary to render.[34] For on the one hand the right of matrimony demands it. Perpetual or very long (valde diuturna) continence is not to be practised in matrimony. On the other hand, it is better for the offspring that they should be born weaklings, than that they should not be born at all. (On which see Sanchez, disput xxiv, num. 25.)

" Again the cause of the injury is temporary and not of long duration (diu duratura). Then for the most part it is a sin to ask, at least venial, if the danger that is to be feared for the child or the consort is not of serious moment." [35]

[31] Thomas Sanchez, S.J., *De Sancto Matrimonii Sacramento.* Lugduni, 1669, Tomus III, Liber ix, Disp. xxiv, § 8, p. 233.

[32] *Ibid.*, § 23, p. 235.

[33] *Dilata copula brevi tempore donec salus pristina conjugi restituatur. Ibid.*

[34] This last phrase must be taken in the light of Laymann's previous discussion which accords entirely with the principles of Sanchez and Sporer. The " necessity " of rendering the debt involves in the mind of Laymann and various theologians of the day back to Alexander III the concept that occasional sex intercourse with a leper would not be a serious danger of infection. But to live continuously in the same house would be a grave danger of becoming infected with leprosy.

[35] Paulus Laymann, *Theologia moralis.* Patavii, Lib. V, Tract x, Pars iii, Cap. 1, § 8, p. 408.

This last phrase of Laymann's implies that if the danger that is to be feared for the child or consort is serious, to ask or render the marital debt would be a mortal sin, when the disease in question is not a long drawn out chronic affair.

11. Three Important Principles.

Let us now look back upon the discussion and crystallize a few principles from the earlier theologians.

1. No man has the right of supreme dominion over his own life and the well being of his physical organism. Therefore, he cannot jeopardize his life or expose his body to serious injury without good cause.

2. If a disease is *chronic and incurable*, the healthy partner to a marriage is not bound to render the debt to the partner that becomes infected with such a disease after marriage, but such self-sacrifice would be a commendable deed if it were undertaken for the spiritual welfare of the infected partner.

3. If theologians maintain that a married person cannot render the debt to a person infected with an *acute* disease from which one is in danger of death or serious bodily impairment, *a fortiori* those suffering from a serious contagious disease which can be cured or rendered non-infectious in a relatively short time must wait for treatment before entering upon matrimony.

St. Alphonsus is sometimes quoted as justifying rendering the marriage debt unless the contagious disease leads to death in a very few days. One might think that he would justify entering upon matrimony in much the same way. But his attitude is not quite clear. He says:

" If the disease is chronic (diuturnus) and not immediately tending to death, that is, when it does not lead to death in a short time and easily, as for instance the pest or leonine leprosy (in which piece by piece the members fall off), then it will certainly not be illicit to ask, if a just cause is present such as cherishing conjugal love or avoiding incontinence." [36]

Doubt arises because " leonine " leprosy is cited as an example of a disease leading to death in a short time. What is this " leonine " deprosy? The term *lepra leonina* goes back to Constantinus of Carthage who died in 1087. He divided leprosy

[36] Sanctus Alphonsus Maria de Ligorio, *Theologia Moralis*, Matriti, 1876, Vol. II, Lib. 6, Tract 6, Cap. 2, § 909, p. 279.

into four forms in accordance with the concept of the classic four bodily humors: *Est autem quadrifaria. Vel enim de corruptione est sanguinis et vocatur Alopecia; alia de cholera rubra, et dicitur Leonina; alia de cholera nigra et dicitur Elephantiasis; quarta de phlegmate provenit (quae) Tyria (appellatur).*" [37]

Did St. Alphonsus intend by his two examples to suggest a lower and an upper limit to the unspecified phrase " a short time "? Would a lower limit be a disease like the plague, and an upper limit a form of leprosy which, for one reason or another, brings life to an end more quickly than the protracted misery of other forms? " Leonine " leprosy is a chronic disorder not leading to death in a few days. It is a complicaton of what is known today as the anaesthetic type of leprosy.

Or did St. Alphonsus mean that when an acute disease leads to death in a short time or a chronic disorder, such as " leonine " leprosy, involves a horrible mutilation of the body, one is not justified in running the danger of infection even to save another from the dangers of incontinence? That St. Alphonsus looked upon " leonine " leprosy as lasting a year or more is evident from the fact that he defined it as a disease in which arms or legs fall off piece by piece (*frustatim*). This takes time and does not lead to death in a few days.

Or does the phrase in St. Alphonsus " not immediately tending to death, that is when it does not lead to death in a short time and easily " imply that no matter what consequences, short of death within a few days, a disease may entail, one may render the debt without sin, even though recovery might be obtained in a few days or a few weeks?

Furthermore, one must consider that St. Alphonsus found it necessary to accentuate the seriousness of the disease which would justify one in saying that marital intercourse is illicit, because when he inquired about the dangers of " gonorrhea," a

[37] Cited from Ferdinand Hebra and Moriz Kaposi, *Lehrbuch der Hautkrankheiten.* Stuttgart, 1876, IX, Ch. 1, Lepra (Kaposi), 383. For further history see George Newman, *On the History of the Decline and Final Extinction of Leprosy as an Endemic Disease in the British Islands*, London, 1895, 58-63. *The Kinds of Leprosy in the Middle Ages.* The word " leonina " occurs in Andreas Scholl (Johannes Viscerus), *Theses de ratione explorandi et judicandi leprosos.* Tubingae, 1586, § 67, and he also describes the falling off of the members, § 77. For a photograph of patients with fingers or hands fallen off due to leprosy, see Ernest Muir, *Handbook on Leprosy*, Cuttack, India, 1921, opposite p. 17.

physician told him that it did not harm either to man or woman.[38]

One who would follow what might at first sight seem to be a literal interpretation of St. Alphonsus should take into consideration the fact that, though syphilis seldom kills an adult in a short time, it often kills the foetus; and gonorrhea in a woman may lead to general peritonitis and death, though this is a rare complication.

Septicemia, leading to endocarditis and death, is a less rare complication of gonorrhea, but it is associated as a rule with chronic joint involvement or prostatic abscess. Meningitis is a rare complication, which tends to accompany acute gonorrhea and, though sometimes cured, often terminates in death after an illness of some days.

The deaths in the United States due to gonorrhea and other venereal diseases, excluding syphilis, from 1933 to 1936 are given in the accompanying table.[39] The statistics do not distinguish between acute and chronic conditions.

	1936	*1935*	*1934*	*1933*
Number	772	835	1051	998
Rate per 100,000 of estimated population	0.6	0.7	0.8	0.8

Infantile paralysis (acute poliomyelitis and acute polioencephalitis) has a similar rate and the following is given for the sake of comparison, though a larger percentage of those who have this disease die than of those who have gonorrhea.[40]

	1936	*1935*	*1934*	*1933*
Number	780	1040	852	797
Rate per 100,000 of estimated population	0.6	0.8	0.7	0.6

Ten per cent of all fetal deaths in the United States are due to syphilis. One who advocates the right of a man or woman to marry in the acute stage of a syphilitic infection without waiting for treatment must at the same time grant the right to kill the child before it is born.

[38] *Ibid.*, § 910. The physician was probably referring to what is termed today leucorrhea.

[39] "Deaths Due to Syphilis", *U. S. Dept. of Commerce Mortality Statistics*, 1936, 1934.

[40] *Ibid.*

ESTIMATED PERCENTAGE AND NUMBER OF ANNUAL SYPHILITIC FETAL DEATHS IN CONTINENTAL UNITED STATES [41]

Race	Number of live births	Estimated total fetal deaths		Estimated syphilitic fetal deaths	
		Percent	Number	Percent	Number
White	1,794,946	10	179,945	7.4	13,250
Colored	286,286	20	57,257	19.0	10,879
Total	2,081,232	..	237,202	....	24,129

We are not concerned with the problem of the marriage debt, but that of contracting marriage while suffering from an acute venereal infection. Our present information about venereal disease and the success of modern therapeutic procedures give rise to problems not envisaged by the older theologians. If one of the older theologians authorized rendering the marriage debt when a person was infected with what he looked upon as a merely disgusting, though incurable skin disease, and did not know that this disease kills the unborn child, such an authority cannot be urged against one who asks a delay for treatment before the marriage is contracted. Such a delay seems all the more reasonable since there is good hope of a cure in a relatively short time.

12. LIMITATIONS SUGGESTED BY EARLY PHYSICIAN-THEOLOGIANS.

Among the early writers there was one who strenuously objected to the second principle [42] being laid down without restriction. Paulus Zacchias, who signs himself a Medicus Romanus, pointed out that various writers had allowed married persons to demand or render the marriage debt when afflicted with leprosy, *morbus gallicus* (syphilis) or gonorrhea. But he then goes on to show that they did this on the basis of their opinion that the disease is not communicated by marital intercourse. He then distinguished three types of gonorrhea.

The first type he termed *gonorrhea vera.* This " ematiates the patient and makes him waste away in a short time. Consequently since in this disease patients cannot use intercourse without extreme danger to their lives, canonists will easily see, as I am persuaded, that married persons can neither ask nor

[41] " Proceedings of Conference on Venereal Disease Control Work ", Washington, D. C., Supplement No. 3 to *Venereal Disease Information*, 1936, 140.

[42] *Supra*, section 1a.

render the debt without incurring the guilt of mortal sin." [43] A perusal of the symptoms he gives of this type indicates that he is referring to what would be termed a severe type of syphilis at the present day. " Consequently," he goes on to say, " when Sanchez decides that it is no sin to ask the debt from a person infected with gonorrhea, it is necessary to know what he understands by gonorrhea." [44]

The second type of gonorrhea spoken of by Zacchias seems to be a mixed infection with gonorrhea and syphilis, but not the galloping form included in the first type. It is chronic and extremely annoying, but lacks the wasting character of the first. Here he says it is hard to say whether or not Sanchez may possibly be correct in maintaining that a person can lawfully incur such a penalty if he wants to.

The third type is much milder and here, according to Zacchias, the opinion of Sanchez is justified.[45]

It looks as if St. Alphonsus had this discussion of Zacchias in mind when writing on the problem in his tract on matrimony.

Let us now take another look at the problem as it affects the children which may be born in a marriage in which one or both parties are infected with a venereal disease. The right of a syphilitic person to marry was denied as early as the seventeenth century. Michael Boudewyns [46] maintained that in general one who asks or renders the marriage debt when it will involve grave danger of health, commits a mortal sin. But he tempers this principle by saying that this holds of ordinary acute infections and not those that are chronic and perpetual. In these, if the healthy person yields his right, he does a meritorious act, because perpetual abstinence destroys conjugal love and gives rise to the danger of incontinence.

Then he goes on to say: " The same is to be said of venereal lues, with this difference that those who are *de facto* laboring under a venereal infecton sin mortally by contracting [matrimony]. And that because of the danger of abortion (I have

[43] Paulus Zacchias, Medicus Romanus, *Quaestiones Medico-legales.* Lugduni, 1701, Vol. I, Lib. VII, Tit. iii, Quaest. V, § 5, p. 603.

[44] *Ibid.*

[45] *Ibid.*

[46] A doctor of medicine and philosophy who wrote a work *Ventilabrum medico-theologicum* in which he discussed the common problems of medicine and theology on the basis of Thomistic doctrine. He died Oct. 29, 1681. See note in H. Hurter, S.J., *Nomenclator Literarius.* Tomus II, Pars prima, p. 548.

seen many of them) and the infection of the offspring and of death. This does not stand in the way of their contracting [matrimony] validly although sinfully. Then I know from asking most learned men and from the account of leprous parents that these [leprous parents] do generate healthy offspring.[47] While I am writing this I could show in testimony of its truth such a child here in the neighborhood of Antwerp. On the contrary no physician has ever seen anything but a miserable child begotten by parents infected with venereal lues." [48]

La Croix cites Boudewyns' opinion without censuring it.[49]

13. It is better to be born diseased than not to be born at all.

Dr. Connell is opposed to this concept, and applied to the problem the principle that it is better to be born diseased than not be born at all.[50] The concept that it is better for children to be born weaklings than not to be born at all goes back to St. Thomas. Laymann [51] used the principle as St. Thomas uses it to justify running some danger of infection when leprosy develops in a married person, lest the possible children should not come into existence at all, and the occasional use of the marriage right might give some remedy to concupiscence and tend to the greater happiness of a home in which such a calamity as leprosy had made its appearance. Dr. Connell uses the principle to justify entering upon a marriage when one of the parties is infected with a venereal disease.[52]

Let us turn to the passage in St. Thomas. St. Thomas Aquinas excuses the healthy party from living together with one who becomes infected with leprosy, but not from rendering the marriage debt because he says: " one is not so quickly infected by coitus as by frequent cohabitation." He assumes a marriage already taken place and argues that the possibility of infecting

[47] Osler says the children of lepers are usually free from leprosy in early childhood.

[48] Michael Boudewyns, *Ventilabrum Medico-Theologicum.* Antwerp, 1666, Pars II, Q. 15, p. 378.

[49] Claudius La Croix, *Theologia Moralis.* Cologne, 1719, Vol. II, vi, Pars iii, § 467, p. 488.

[50] The Ecclesiastical Review, 1938, December, 515.

[51] Above section 10.

[52] The Ecclesiastical Review, 1938, December, 514-515.

the offspring does not render marital intercourse illicit because " though the offspring may be born diseased, nevertheless it is better to be diseased than not be at all." [53]

It is easily seen that this position of St. Thomas cannot be cited against one who asks a delay in the marriage ceremony for proper treatment, if one of the parties is suffering from an acute venereal infection because

1. St. Thomas justifies rendering the debt of a marriage that has already taken place, because he thinks that occasional intercourse is not likely to infect the healthy partner. But if one marries a person with an acute venereal disease, infection is almost certain to follow.

2. A married person has assumed definite obligations to the partner of the marriage in sickness and in health until death. Before marriage such obligations do not exist and according to St. Thomas the advent of leprosy would break a betrothment. *Lepra solvit sponsalia, sed non matrimonium.*[54]

3. Waiting for proper treatment of a venereal disease makes it possible to beget healthy offspring. So that the alternative is not to be or not to be; but to be healthy or infected with a venereal disease.

Whatever may be said about Boudewyns' stand at the time in which it was presented, it is rendered much stronger by the fact that at the present day one with a luetic infection, who waits for adequate treatment before marriage, will not infect his wife and will have healthy children. Every month he waits, while undergoing treatment, renders it more and more likely that he will have healthy children. The principles that apply to leprosy no longer hold when applied to syphilis. At the present day one with a venereal infection cannot, with a clean conscience, rush into matrimony without waiting for any treatment to clear up the infection.

In his reply to Dr. Donnelly, Dr. Connell objected to the view that waiting or not waiting for treatment before marrying a syphilitic involves the alternative of being healthy or infected with venereal disease. He says: " When there is a justifying cause for the marriage of a syphilitic the choice is between

[53] Comm. in *Quatuor Libros Sententiarum.* Book IV, Dist. xxxii, Questio i, ad quartum.

[54] *Ibid.*

normal children minus some great good and *defective children plus some great good*. Take the case of a syphilitic who will surely commit many sins of incontinence if he remains unmarried for several years in order that he may be cured and thus be able to beget normal children. The choice is between *normal children minus a great good* and *defective children plus a great good*"—the great good being the preservation of a soul from many sins.[55]

This quantitative moral theology is not quite so simple and conclusive as it would appear at first sight. Is the syphilitic a morally responsible being or not? If he is not, mortal sin does not come into question. If he is, there is another way for him to escape sin besides a hurried marriage which will infect his wife and kill or mar his children.

A highly sexed syphilitic is not simply in grave spiritual danger. As Sanchez and Sporer point out, he has other ways of avoiding sin besides marriage: prayer, self-denial, and an active use of the graces God will surely give to one who earnestly strives to make use of them.

When, however, *after* marriage an incurable infection such as leprosy makes its appearance, the matter is different. The old theologians expressing the belief that occasional intercourse with a leper need not involve infection, and considering that the leper would have to maintain his fight against concupiscence for the rest of his life, argued that the healthy partner could without sin occasionally render the marriage debt, though there was no obligation to do so.

However, this opinion cannot be cited to justify the marriage of a person infected with a venereal disease because (a) there is no longer a question of waiting in total abstinence for a whole lifetime, but for a year or two, according as one would estimate the diminishing danger of infection as times elapses, and (b) as we shall see, one who contemplates marriage holds in trust the natural goods of the children of the marriage, and though one may risk his own goods, he cannot squander what he holds in trust for another.

[55] THE ECCLESIASTICAL REVIEW, 1939, April, p. 25.

14. Necessity of distinguishing between Leprosy and Venereal Disease.

The possibilities of treatment existing at the present day were unknown to the older theologians, and, in spite of references in my last article, Dr. Connell has not seen the point and does not take them into consideration. In the year of our Lord 1940 one who insists upon looking on veneral infection as if it were in the same class as leprosy, as Dr. Connell has done in his previous articles, simply cannot discuss the problem of marriage and venereal infection as it exists today.

The theologians of the past, as I have pointed out, deny explicitly that principles which apply to chronic disorders are applicable to acute transitory diseases. In pointing out that some venereal diseases can be cured in a few days, I have shown that some venereal infections no longer come under the heading of leprosy. Acute syphilis can be rendered much less infectious in a few weeks of treatment, is often cured after seventy weeks of thorough treatment, and when one waits for a year longer and has no relapse and then marries, he can look forward with very good hope to a living, healthy progeny.

Let us look back for a few moments at the distinction made by the older theologians between acute and chronic conditions. They justified the rendering of the debt in marriage when one party contracts matrimony on the ground that the battle against concupiscence would have to be maintained until death, in the presence of a progressive disease for which no hope of cure could be expected. Death alone would terminate the conflict which would be, therefore, very long or almost perpetual. It may be presumed that they would make use of this principle to justify the marriage of two persons, if one were infected with a contagious and incurable disease. On the other hand, they maintained that when the disease was temporary, the rendering of the marriage debt must be postponed until recovery had taken place. There is no definition of the limits of the " temporary ".

Let us now ask a few questions. Can it be said, in the light of these principles and what we now know of venereal disease, their consequences and their treatment, that

a) a person with a gonorrheal infection may marry without waiting for treatment, even though he may hope for a cure in less than two weeks?

b) a person wth a gonorrheal infection, having attempted treatment and having found that the condition did not clear within a few weeks and being told that he must probably wait two or three months, can then marry at once without waiting for further treatment?

c) a patient in the early stages of syphilis can marry at once without waiting for any treatment at all, even though two weeks of treatment would render him non-infectious as far as the ordinary contacts of life are concerned? [56]

d) one year in the mind of the early theologians is an " almost perpetual delay " and that a syphilitic is justified in marrying as a *remedium concupiscentiae* long before a year of treatment has terminated? And, if so, how soon has he a right to marry; and, if not, how much longer is he bound in conscience to wait?

One might here dwell upon the fact that in a year or less a syphilitic patient, by vigorous regular treatment, will often obtain a negative Wasserman, and so be able to obtain his matrimonial license.

The problem has not yet been discussed in the light of recent progress in the treatment of venereal disease, and let us hope that one can at least open the discussion without being accused of rising up against the whole body of Catholic theologians.

15. The Married Parties and the Trust they may not squander.

When one makes up his mind to marry, he is not only bound by the principle that he has no complete dominion over his own life and well-being, but he is also bound by the principle that he is the custodian of the physical heritage of the unborn child, and though he might be willing to sacrifice himself, he has no right to destroy a trust committed to his care. It is true that the children of the marriage do not exist at the time of contracting matrimony. One cannot, therefore, infringe upon the rights of non-existent beings. But one can be given a trust to be held intact until a child comes into being, and one has no right to squander the trust before the child comes into being.

[56] See above.

Let us attempt a literary exposition of the problem by supposing a theoretical case.

A leprous child says to his mother: Mother, why am I a leper? And the mother answers: I loved your father who was a leper. I sought his spiritual welfare and wanted to make him happy. We found that there was no cure for his condition and so we married. And now, my child, you and I are lepers. And one day we shall see the good God in heaven, and now I have you and you have me. But had I not sacrified myself that this might be, you would never have come into being at all, and it is better for you and me that you should be a leper than that you should never have been at all. And the child could hide himself in his mother's arms with awe and love and reverence in the presence of her heroism.

But let us take another case. Mother, why am I blind? I have heard it said that my eyes are not clear and pretty like the eyes of other children, but so dead white and ugly. And why have I no little brothers and sisters at all? My child, your father had gonorrhea and we did not wait even a few weeks for treatment. At birth you got the infection in your eyes and later I became sterile, so I could not have any more children. And the child might answer: Mother, why didn't you wait a few weeks, and then I could now see your face and all God's beautiful world, and could have played with my little brothers and sisters, and one day we should all see the good God face to face in heaven. Mother, why?

Is there no important difference between these two cases?

Dr. Connell in his discussions does not distinguish between one venereal disease and another, nor refer to the different condition that has arisen as a result of methods of treatment that did not exist some centuries ago. But it is quite within the limits of Catholic freedom of thought to ask that the problem of marriage with acute venereal infection be discussed in the light of the changed conditions.

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Reply to Dom Moore.

A considerable portion of Dom Moore's paper is devoted to the medical aspect of venereal diseases; and I am sure that the readers will agree that from this standpoint it is instructive and interesting. However, I am concerned with only a particular theological problem pertinent to this subject—a problem which I have already discussed several times in the ECCLESIASTICAL REVIEW [1]—namely, whether the " eugenic " laws recently passed in some of our states, forbidding persons afflicted with venereal diseases to marry, are justifiable in the light of Catholic theological principles. I sustained the negative view, on the score that the Church has the exclusive right to legislate on the requisites for the lawfulness and the validity of the marriages of baptized persons and to declare authoritatively when the natural law prohibits or invalidates marriage (canon 1038). My present purpose is merely to reply to the relevant points raised by Dom Moore in the article contained in this issue.

1. Dom Moore argues: " If the state may quarantine a syphilitic, even though in consequence he is temporarily prevented from marrying, the state may also prevent him from marrying without segregating him. For, if the state has the greater power, it also has the lesser ".

It is an accepted moral principle that for a sufficiently proportionate reason one may perform a good or indifferent act from which a bad effect follows, concomitantly with, or consequent on the good effect. The bad effect is merely *permitted*; it may not be directly intended, and *a fortiori* it may not be directly produced.[2] Thus, a surgeon may remove the diseased womb of a pregnant woman, if it is liable soon to cause her death; and the death of the fetus in such a case is permitted. Similarly, if segregation is reasonably deemed advisable so that the sufferers from venereal diseases may not infect others by the ordinary contacts of life, such as the use of the same dishes, the state may segregate them, at least for a time, even though in consequence they are prevented temporarily from marrying. This effect, in the case of a baptized person, can be only *permitted* by the state, for, as Pope Pius IX asserted in reference to Chris-

[1] December, 1938—April, July, 1939.

[2] Aertnys-Damen, *Theologia Moralis*, I, 58.

tian marriage: " It belongs to the power of the Church to decide all those matters which can in any way pertain to this marriage." [3] Certainly then, the state may not *directly* prevent the marriage of a baptized person, without segregating him, on the ground that a lesser power is required to do this than to segregate him from ordinary contacts with the result that he cannot marry. On the same grounds we could argue that a surgeon could directly remove the fetus, in the case just cited, instead of removing womb and fetus, because " if he has the greater power, he also has the lesser ".

2. Dom Moore claims that the " eugenic " laws do not constitute impediments, and accordingly it is not *ad rem* to cite the principle: " It belongs only to the supreme authority of the Church to establish impeding or diriment impediments (beyond those of the natural law) for baptized persons " (canon 1038, § 2).

Let us premise that we are not concerned with laws that segregate diseased persons, in line with what has just been said. Such a law is that which Dom Moore quotes from the Ohio statutes; and in the same sense the North Carolina law might be interpreted. But we are concerned with laws, like that of California, which directly forbid persons with venereal disease to marry while permitting them to associate with their fellows. Now, it is hard to see what reason can be assigned why such a law does not establish a civil impediment to marriage. Surely, the fact that the legislators do not use the technical term *impediment* does not justify the law. Nor does the fact that it prohibits marriage *only for a time* (until the sufferer is cured) remove it from the category of impediments, since impediments can be either permanent or temporary.[4] If only a premanent bar to marriage were an impediment, the Church could not rank defect of age as an impediment. It is difficult to perceive how " eugenic " laws, in as far as they extend to baptized persons, escape the condemnation of Pope Leo XIII, who asserted that " it is entirely absurd to hold that Christ willed the very least portion of the power to decree and to command about Christian marriage to be transferred to the civil rulers ".[5]

[3] Denz., 1640.

[4] Wernz-Vidal, *Jus Matrimoniale*, n. 147.

[5] *Arcanum*, Acta S. Sedis, XII, 392.

3. Dom Moore believes that the intention of the legislators is not to usurp the powers of the Church, but to prevent those who are infected from injuring others, and accordingly this justifies the "eugenic" laws.

The intention of legislators, however noble it may be, does not justify them objectively in passing laws violating the privileges of Christ's Church. If a state legislature, actuated by the loftiest ideals of Christian temperance, forbade entirely the sale and use of wine, the law would be objectively unjustifiable with regard to the wine needed by the Church for sacramental purposes. Similarly, the fact that legislators, in passing "eugenic" laws extending to baptized persons, have no intention of usurping the rights of the Church,[6] does not render such legislation licit. Dom Moore's example does not prove his point, for the killing of another is *objectively* good or bad, irrespective of the intention of the one who does it, in as far as there was or was not a sufficient *objective* reason for doing so.

4. Dom Moore argues that since the Code permits a bishop to prohibit a particular marriage for a time, the state may also be recognized as possessing a prohibiting power over diseased persons.

The very contrary seems to be indicated. If the Code in canon 1039 makes an explicit exception to canon 1038 only for a bishop and that only in a particular case, the natural conclusion is that this is the sole exception. Otherwise, it would follow that whereas a bishop has only a limited power in the regulation of a sacrament, the lay officials of the state have a more extensive power inasmuch as they may exclude a whole group from marriage.

5. The greater part of Dom Moore's paper is devoted to proving that the natural law itself forbids the marriage of those afflicted with venereal disease, so that the state's "eugenic" legislation is simply the promulgation of the natural law.

The all-important principle to be remembered in this connexion is the statement of the Code: "It belongs *only* to the supreme authority of the Church to declare authoritatively when the divine law prohibits marriage or renders it invalid" (canon 1038, § 1). In other words, neither bishop nor priest nor civil

[6] Doubtless many Catholic legislators, and certainly most non-Catholic legislators, never heard of the principles enunciated in canon 1038.

rulers can decide authoritatively that one afflicted by a social disease is forbidden by the natural law to enter marriage until the Holy See has declared this to be the case. Now, has the Holy See given such a declaration? Certainly, there is no *formal* decision to this effect. However, questions of morality are often settled by the Church tacitly—that is, by permitting theologians commonly and constantly to teach a certain doctrine.[7] Is this the case with reference to the present problem? The answer must be in the negative, for as I pointd out in my first article in the December number of 1938, pp. 513-514, while some theologians incline toward the view that the natural law forbids marriage to those with social diseases, this is by no means the common teaching of the moralists. Indeed, many do not explicitly consider this question, so that we can only surmise what they would hold from their doctrine regarding the lawfulness of conjugal intercourse when one of the partners is diseased. In general, they hold that married couples should abstain in such circumstances; but they add that intercourse is permitted for a grave reason, especially the danger of incontinence when the ailment is permanent or long-standing (*diuturnus*).[8]

This last phrase is important in view of Dom Moore's contention that recent scientific findings about the possibility of curing venereal diseases should modify the doctrines which prevailed when theologians regarded these ailments as incurable. Certainly, no one can deny that this new outlook postulates some modification of older teachings. But, in view of the fact that the older theologians permitted the use of marriage (for a good reason) even in the case of a *long-standing* disease, can it be safely asserted that the Catholic teaching on the question of the natural law is in complete harmony with the state laws forbidding marriage until a cure has been effected? In the case of syphilis Dom Moore tells us that this would take about 122 weeks, and he calls this a comparatively short time. It is true, the theologians are not definite as to the meaning of *diuturnus*, yet I think that hardly any person would regard an illness of more than two years as anything but a long sickness. Let me hasten to add that undoubtedly the natural law

[7] Denz., 1684.

[8] S. Alphonsus, VI, 909; Aertnys-Damen, II, 889.

requires a longer delay to justify the contracting of marriage than the use of marriage already contracted. At the same time, let us not forget that the same principle must be considered in reference to both cases—the principle that marriage is a lawful *remedium concupiscentiae*—and the benefits to health resulting from abstention from marriage or the use of marriage must be weighed in the light of this principle.[9]

I am fully in agreement with Dom Moore that the theologians should discuss more precisely the question as to how far the natural law forbids the marriage of those afflicted with venereal diseases. And when the theologians have arrived at some common conclusions on the subject, and the Church permits these to be taught—or when the Church issues some formal decree —then we shall have an authoritative declaration of the natural law such as is referred to in canon 1038. But until that time no civil government has the authority to declare, as an exposition of the natural law, that persons having social diseases must remain unmarried until they are cured. This has been my contention from the beginning of the discussion. I am not concerned primarily with the question as to the extent of the natural law on this subject. I have simply contended that the state is incompetent to pass " eugenic " laws, whether these be regarded as declarations of the natural law (because the Church has given no authoritative declaration) or as superadded impediments (because the Church alone can make impediments for baptized persons).

Accordingly, Catholics should not favor or promote these civil statutes. Of course, once they are passed, prudence dictates that Catholics observe them, because of the legal difficulties ensuing from their violation. However, to make a practical suggestion, Catholics could support legislation enjoining a medical examination for a prospective couple, with the stipulation that each

[9] Dom Moore emphasizes the rapidity with which gonorrhea can now be cured with the use of sulfanilamide, and complains that I fail to distinguish this disease from syphilis in regard to the time required for its cure. *Time* for 10 June states that two bacteriologists of the University of Rochester " recently shocked the medical world with some dismal after-facts on sulfanilamide and gonorrhea. It is true, said they, that the drug removes the *symptoms* of gonorrhea. But patients often harbor the germs long after they are pronounced cured, thus becoming gonorrhea-carriers, able to infect other people, although apparently hale themselves. . . . How long the stubborn germs persist, how they can be conquered, the doctors do not know."

would learn the physical conditions of the other, yet in such wise that they would then be free to marry if they mutually wished. Such a statute would certainly procure practically all the advantages of the present " eugenic " laws—because not one person in a thousand would marry one who is diseased—and at the same time would be within the province of the state, because the common teaching of Catholic theologians lays it down that it is against the natural law for a diseased person to marry without informing the other of his condition.

In our land the Catholic Church enjoys far greater liberty than in most countries; and it behooves Catholics to uphold the rights of their Church. We must therefore be on our guard against laws which infringe on the authority which Christ gave exclusively to His Church over the sacrament of Matrimony. No matter how small an infringement it may seem, no matter what temporal benefits it may procure, we should fear it as an opening wedge that may lead to the loss of many more of the Church's divinely granted prerogatives.

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Studies and Conferences

Questions, the discussion of which is for the information of the general reader of the Department of Studies and Conferences, are answered in the order in which they reach us. The Editor cannot engage to reply to inquiries by private letter.

A CATHOLIC PHYSICIAN'S VIEWS ON FAMILY LIMITATION.

The problem of family limitation is admittedly a most acute and serious one today. This acuteness does not result, however, from any clash between Christian morals and human nature. It arises primarily from the conflict between human nature and the economic condition of our age.

To the dangers inherent in an abnormal social situation, which requires an unnatural postponement of marriage and even then denies its full expression, has been added the temptation which results from the widespread dissemination of birth control propaganda by lay organizations. In view of these conditions it becomes increasingly important for Catholics to have a thorough understanding of the issues involved in this serious problem. It seems to me that the temptations to which Catholic couples are exposed at the present time can best be combated by an understanding of the moral obligations regarding the proper use of marriage, and by a knowledge of the dangers involved in the use of contraceptives and of the utter inadequacy of the latter for the very purpose for which they are recommended.

The Catholic doctrine of marital chastity is clearly and tersely set forth in the splendid Encyclical of Pope Pius XI with which every intelligent Catholic should be familiar. But there is one aspect of the question which receives altogether too little attention. Unless we accept that there must be some divine plan of life, we cannot reach any satisfactory solution of the serious problems relating to marriage and the family. Everywhere in the universe we perceive convincing testimony of a divine plan or order. The universal existence of this order is, in fact, the basic assumption of science in its various fields. The investigation of this order must indeed be the chief purpose of science,

and without the assumption of an invariable order we could never predicate fundamental truth.

What is in accordance with nature, then, we must assume to be true and reliable. Now, if we examine inert nature, we realize that any deviation from the predetermined order brings disaster. The flower, the tree, the very planets themselves, have divinely set conditions which must be preserved if they are to continue their existence. Remove the flower or tree from its proper soil, let the planet stray from its orbit, and destruction ensues in every case.

In the world of nature, then, disobedience to the predetermined order is ever followed by a natural penalty. As man has two natures, his violation of preordained order is followed by a double penalty, *natural* and *supernatural* or *moral.*

In his *Companion to the Summa,* Fr. Walter Farrell, O.P., declares " providence to be the detailed plan or law for the government of the world, as that plan or law exists in the mind of God. In God that law is eternal and unchangeable. The same eternal law, in so far as it is found in creatures, is called the Natural Law. Every natural law is thus the Divine Will directly communicated to and inherent in creatures. In obeying the Natural Law, then, we are giving expression to the Divine Will, which is necessarily directed toward our well-being; whenever we ignore or deliberately balk the Natural Law (which free will makes it possible for us to do), we are setting ourselves against the Divine Will, preventing, in so far as in us lies, our reaching the goal intended for us by Providence. Now, defiance of any natural law can never contribute toward our true well-being even in this natural life, to which the Natural Law primarily applies. Apart from revelation, then, a study of the Natural Law is the most direct way of discovering God's will with regard to each one of us. As an explicit expression of the Eternal Will of God, Natural Law is, of course, always good and always immutable. Violation of a natural law will always be an offence, not only against God, but also against our own best interests."

For the reasons just given, there can never be a contradiction between Revelation and Natural Law, in so far as the latter is firmly established by patient, sincere and reverent study. On the contrary, the study of Natural Law has again and again

furnished the most striking confirmation of the Divine Law of Revelation, as was indeed to be expected. For the Church the natural law is as binding as the revealed law. We find her of course much more unyielding on natural law than on her own legislation. The Church will, for a sufficient reason, grant dispensations from her own laws, but always the only excuse she recognizes for failure to observe a natural law is impossibility of observance. She persistently refuses to tamper with natural laws in any respect, recognizing that natural law is the express will of the Creator, and that it is His explicit legislation always directed to our good. Ignorance of this unvarying attitude of the Church toward the natural law has led to many misunderstandings, and the Church in these days has been seriously criticized for upholding moral laws which she could not change, even if she would.

Because of the increasing difficulties of family life today, those outside the Church fail to understand why Catholic parents should not be permitted to act contrary to the natural law, especially in the use of contraceptives, which are advocated not only as a solution for economic problems, but also as a necessary means of protecting the health of mothers.

The organized movement responsible for the present activity in promoting the use of contraceptives began in England a half-century ago, extended soon to the Continent, and later to this country. For many years little progress was made anywhere in propagating the use of contraceptives. No doubt, the influence of religious faith was more effective then than it is today, and the prevailing economic conditions and outlook were not so discouraging to large families. Furthermore, birth control was not respectable; it was contrary to law and good taste—regarded by most parents as a practice limited to those who were having illicit sex relations.

Progressive interest in the use of contraceptives everywhere has been marked in the past ten years, and especially so in the past four or five. Everywhere today there are evidences of the remarkable progress which is being accomplished in making contraceptive knowledge available in every community. Through the active interest of women of wealth and social position, there is now a strong, united national organization directing the many activities which are reaching out from large

cities into towns, villages, and even into rural communities. The names of men prominent in business, education, and even in religion and medicine are listed in the public press as endorsing the movement and actively interested in raising money to establish birth control clinics.

The whole movement, in so far as the overwhelming majority of responsible physicians go, has always been regarded as something outside of ethical medical practice. From the beginning it has been essentially a lay movement, and every effort to awaken the interest of the medical profession and induce it to endorse contraception or give it professional sanction has been without success, not only in this country, but also abroad. Naturally, with the widespread interest, many physicians are now not only yielding to the demand for contraceptive advice, but are giving their services at the birth control clinics.

There have always been some individual physicians interested in birth control. This is especially true of women physicians, for reasons that are readily understood — particularly from a desire to help others of their sex in a matter that is concededly a difficult one. Furthermore, a few physicians have really devoted their professional life to the movement by giving advice and direction to the women who have been the active leaders. Consequently, the views of these physicians on the subject can scarcely be regarded as dispassionate or disinterested. Despite the apparent success of the movement, the medical profession is not in a position to recognize or sanction birth control as a health measure. Many of the most eminent authorities in obstetrics, both here and abroad, have always held that contraceptives, because of the uncertainty of results in their use as a prevention of conception, are not acceptable as a health measure, and they therefore refuse to sanction a practice of whose value, if any, they are profoundly skeptical.

The one point in particular which contraceptive literature rigidly avoids is indeed the possibility of failure. If the actual truth were generally known, most of those who are now making use of contraceptive devices, credulously relying on their safety, would hesitate to employ them as a means of preventing conception.

There can be no question that the frequent failure of contraceptive devices accounts largely for another increasingly grow-

ing evil—the abortion situation. The number of pregnancies interfered with by the performances of abortion is almost unbelievable. Whilst it is impossible to ascertain the exact number because abortion is theoretically a criminal offence and is thus performed secretly, the estimates for this country alone vary between 500,000 and 1,500,000 annually—possibly one abortion for every birth, if the full truth were known. We must expect continued increase in the abortion rate with the widespread publicity given to promoting contraceptives. The generally accepted assurances of safety are without basis, and, when the contraceptives fail, recourse is had to abortion. Studies by the Milbank Foundation of 6654 pregnancies in 1500 women in a midwestern city have shown that *illegal abortion was ten times as frequent in the case of women who had been using contraceptives.*

If American women realized the terrible consequences of abortion, which entails interference with the natural order by artificially interrupting pregnancy and by the destruction of life, abortion would rarely be performed. When the fetus is destroyed, despite the utmost surgical care it is impossible to prevent a definite risk of infection. Because of this almost unavoidable infection, the known deaths resulting from criminal abortion already account for one-quarter of all deaths from causes associated with child-bearing, and the proportion is mounting steadily in almost every land. Even when the infection does not prove fatal, it leads not infrequently to prolonged or permanent invalidism, and may end in sterility, in which thwarted nature also commonly finds her revenge.

It is commonly asserted that the Church requires Catholic parents to have more children than they honestly believe they should have. Actually the Church has never made any ruling on this subject beyond the one inflexible requirement that the primary end of marriage must not be deliberately excluded, and that there shall be no artificial interference with the natural consummation of the marriage act.

We come then to the question of what practical counsel and aid can be given to those parents who have religious faith, or who at least believe in some divine law which prohibits their using contraceptives, faced though they often are by the problem of coping with economic difficulties. It is fortunate indeed that

during recent years science has come to their assistance at a time when this aid is most needed.

During the last ten years medical science has established beyond dispute that conception is possible only during a short interval in each month. It is indeed true that in the present state of medical research we cannot forecast this fertile interval with absolute precision. While the law of biological sterility throughout by far the greater part of every month holds good in all cases, its application in our present state of knowledge is more or less impracticable in the case of about ten per cent of women, owing to the excessive variations in their individual natural cycles. A more accurate determination of the universal application of the law is hampered by the lack of a sufficient number of records to determine accurately these cyclic variations.

However, in all but the most abnormal cases we can set the limits within which the fertile period will invariably fall, for the biological law governing the matter is now as absolutely determined as any law of medicine. In my opinion, it is a grave responsibility to withhold from Catholic couples a knowledge of this established law, since we are living in an age which often makes large families impossible, and sadly discourages early marriages with appalling effects on the morals of the young.

I feel that there should be some way to educate Catholics through their physicians and maternity hospitals. With their close approach to the family, these could surely inform parents regarding the serious moral and physical consequences of using contraceptives. Parents should know that, aside from all the finer aspects of the question, contraceptives must always be regarded as an uncertain method of preventing conception.

Catholic physicians and maternity hospitals should be most active in this movement, and it should be the aim of all intelligent Catholic women to have an active part in its development. Maternity hospitals taking care of all classes of women would be ideal for collecting, interpreting and dispensing the clinical facts needed to establish more precisely the practical application of this law of biological sterility and fertility. Moralists have set forth clearly the indications for the use of this method by Catholics. It remains for us to initiate the study of

the medical aspects of the question, and thus make a very real contribution to medical science and to Christian sociology.

Now, all these facts should be widely known and understood not only by the married but also by our younger generation. It is unfortunately true that young people are faced with many serious problems at the present time. Forced postponement of marriage beyond the natural age is bound to lead to resentment and in some cases even to illicit sex relations.

Most physicians realize that the most serious aspect of such moral lapses does not consist in the danger of infection or the possible loss of good repute. Such lapses leave almost invariably a lasting scar on the mental consciousness which no amount of later blameless life can eradicate. Let us pass over the frequent cases in which illicit misconduct becomes habitual and thus completely unfits the party for married life — cases in which marriage itself, when entered into, can never rise above the level of the animal, and thus almost unavoidably leads to a sequence of divorces. Let us merely cite the most favorable circumstances under which a marriage ensues, with all the conditions which would ordinarily guarantee permanent happiness. The former delinquent weds a partner who lavishes on him or her every mark of affection, consideration and esteem. Yet, the very wealth of affection received in such cases has been frequently the source of a most acute mental suffering and anguish —because the good fortune seemed so undeserved.

Before prejudicing their future, perhaps irretrievably, let people look carefuly into the facts—not only for their own sake, but that they may also help and guide others around them. In young Catholic associations, the Church and civilization itself must rest their chief trust in these trying times. When they understand the fundamental truths, they should take an intimate interest in all efforts to relieve existing social and economic evils. Each in his or her own circle can give the Christian solution of the various problems that are today plaguing mankind. Let us remember that the new world in the course of evolution is the world in which we will have to pass our lives.

Until recently it was customary in certain quarters to view with suspicion any views emanating from Catholic circles. However, the social situation has become so acute that the public in general is ready today to accept from any source

suggestions which hold out an assurance of relief. The attitude consistently maintained by Catholics toward the problem under discussion has now been triumphantly vindicated by the unbiased researches of medical science. Catholics have always insisted that interference with nature is never advisable—that natural remedies are not only the most moral, but invariably the safest and the most efficacious. Patiently and sincerely consulted, nature will always uphold morals.

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A PREPARATORY SCHOOL FOR BROTHERS.

Monastic interest throughout the country has been focussed for a number of years on " The Preparatory School for Junior Brotherhood," at the Benedictine Abbey in St. Meinrad, Indiana. The school is now in its seventh year.

The idea of a Preparatory School for Junior Brothers grew out of a thesis written by Father Ildephonse during his work at Notre Dame. He chose as his thesis, " The Brother Vocation ". It was so beautifully written that the monks read it at table in their refectory; a short time later, Abbot Ignatius, who was deeply grieved every time he thought of the future Brother situation at his Abbey, said to Father Ildephonse, " Your thesis is too good to allow it to remain in the realm of theory. We ought to put it into practice ". Without fanfare or furor, the Junior Brother School was opened in September, 1933, with an enrollment of 24 aspirants. The pioneering was under way.

The School is housed in spacious St. Placid Hall, on the abbey grounds. It has a chapel, refectory, class rooms, study hall, dormitory, library, recreation room, showers and lockers. The School faculty is well staffed with a superior, a spiritual director, teachers, and two confessors.

General outline of the daily routine observed: arise at 5:30; meditation, Mass, and Holy Communion. Breakfast. Chores. At 7:45, the boys attend the Conventual High Mass in the abbey church. Study periods, classes, work. At 11:45 to the chapel for particular examen of conscience, and the Angelus. Dinner. Recreation. Study periods, classes, work. Supper.

Recreation. At 8:20, to the chapel for rosary, spiritual reading, night prayers. Retire.

It is a full monastic day. But not too hard. In addition to Sundays and holidays of obligation, every Wednesday afternoon, all major feast days of the community, and all legal holidays are free days. Recreational facilities are plentiful, and include hiking, fishing, boating, swimming, skating, sledding, baseball, handball, tennis. Occasionally, there are movies. The aspirants may go home for three weeks during the summer, and in addition are given a week's vacation at Camp Benedict, which is located on monastery property in a lovely wooded cul-de-sac in southern Indiana.

It costs the lad very little to enter the Junior Brother School. He pays his travel costs, furnishes his own clothes, books, and habit. There is no tuition fee. No contract is entered into between the Abbey and the aspirant. After the first month of arrival, the boys make a three-day retreat, and at the close of it are invested with the Oblate habit of St. Benedict. They assume no binding responsibilities. They wear the habit to the chapel, refectory, and class room—not otherwise. The habit consists of the cassock, scapular without hood, leather cincture, roman collar.

The general requirements for admittance are: (1) recommendation from the pastor, (2) eighth grade diploma, (3) average mental, physical and moral health.

During the first year at St. Placid Hall (academic year), the boys spend much of their time at their books. The branches taught include religion and chant. The majority of the boys do not want to go to school; but the Fathers insist on at least a minimum of class work, the objective being to avoid mental sluggishness in the boys. During the academic year the superior endeavors to find out how much ability the lad has and what his natural inclinations are. At the end of the year, the lad proposes three fields in which he would like to labor. And why three fields? Well, should he fail in one, there would be something to fall back upon.

During the second and third years at St. Placid Hall, the boys concentrate on learning their chosen craft. They devote 22 hours a week to it.

There is a wide field, a fine variety of crafts and trades from which to choose: commercial, book binding, carpentering, interior decorating and painting, general mechanics, electricity, baking, cooking, poultry raising, tailoring, gardening, printing, butchering, cobblery. By and by, the Fathers plan to add farming and dairying to the long list.

At the close of his career at St. Placid Hall, the aspirant enters the Junior Brother department as a candidate. This department is in the monastery and is separate from the Senior Brother department and from St. Placid Hall. The Junior department has its own chapel and recreation room. Each aspirant has his own cell. But meals are taken with the Fathers and senior Brothers in the monastery refectory.

At the end of his candidacy (six months), the aspirant enters the novitiate—becomes a novice, for one year. Having completed this year the novice is given a religious name (he proposes three names, one of which is given him) and takes the triennial vows. He is now a Junior Brother in the full sense of the term. He has spent all together four and one half years as an aspirant to the Brotherhood, and at any time during these years he has been free to leave. But when he takes the triennial vows, he binds himself to the community and is not free to leave until the three years are ended.

As a simple professed Brother, the young man continues to live in the Junior Brother Department in the monastery. He does not join the Senior Brothers, excepting as he comes into contact with them in his work, as in the kitchen, bakery, tailor-shop, and other places. He remains with the candidates and novices in the Junior department. Occasionally, he mingles with the lads at St. Placid Hall.

Having completed his three years as a simple professed brother, the young man makes the final step—takes simple perpetual vows. He is now bound for life to his vocation and the community. However, before taking the final step the young man is free to leave; but if he feels sure of his calling and takes the perpetual vows, he bids adieu to the world forever more, will be given no more vacations in the outside world—begins in earnest the " hidden life ". He has had seven and one-half years in which to think the matter over; he is of age, now, and should be able to make up his mind. The pattern of his life has been

spiritual from the start and the monastic element in it was stressed more and more as the years slipped by. As a Junior Brother, also, he had three years in which to observe the Senior Brothers, three years time in which to look at the Brotherhood at close range.

The interesting experiment, the Junior Brother School, is now at the threshold of its severest test. It has produced thirteen simple professed brothers, the first fruits. Will all thirteen "stick"? Probably one or several will drop out after the expiration of the triennial vow period. The oldest in the group will be due for their final or perpetual vows in February, 1941. In the meantime many persons are watching with more or less interest the reaction of the Junior Brothers as they mingle with the Senior Brothers in their work and the realities of the rigorous but high vocation strike new chords in their young souls.

Interesting are the following statistics covering all the years of the School: enrollments in the Preparatory School,

24 in 1933
14 in 1934
16 in 1935
12 in 1936
15 in 1937
22 in 1938
16 in 1939

Total present enrollment:

First Junior Brother division	33
Second Junior Brother division	
Candidates	2
Novices	5
Simple Professed	13
Total	53

Since September 1933, a total of 119 lads have been admitted into the Preparatory School as aspirants, an average enrollment of 17 aspirants per year. If this average is maintained, the fruits of the school during the years ahead could turn out to be an appreciable harvest of full-fledged brothers, and future historians of monasticism in the United States would be sure to give the Junior Brother School at St. Meinrad a sizeable chapter

when going over that part of it which deals with the brother problem. In the meantime, even a partial success of the school will be certain to intensify monastic interest in it throughout the United States.

Students of the brother problem, with an eye on the school at St. Meinrad, are asking (1) will the annual enrollment at St. Placid Hall continue to hold up? (2) will it pay any abbey to conduct such a school where the mortality rate in abandoned vocations is pretty sure to be high? The answer to question one is: Yes, judging from the number of applications continually being received at St. Placid Hall. As time goes on, the Junior Brother School will be given proper and wider publicity. Thus far, the Fathers have been mailing the booklet describing the School to a limited number of pastors scattered throughout neighboring dioceses — to pastors friendly to the brother vocation.

Will the Junior Brother School pay? That is hard to answer. Much depends upon the resources and the building and faculty facilities of an abbey, and what a particular abbey would consider results worth while. Based on the enrollment figures for the seven years of the existence of the School for Brothers at St. Meinrad, the monks there may count on lodging, feeding, educating and training 50 brother aspirants annually, about 30 to 35 boys at St. Placid Hall, 15 to 20 boys in the monastery Junior Brother department.

It must be remembered that the aspirants work for the monastery, which helps to cut down the payroll. The simple professed brothers work all day, the same as the senior brothers do.

The Junior Brother department in the monastery had at the beginning of this year an enrollment of 20; 2 candidates, 5 novices, 13 simple professed brothers. These 20 boys are what remain of the 1933, 1934, and 1935 Placid Hall classes. The total enrollment for those three years was 54. In other words, 37 per cent of the first three groups have persevered thus far. How many of the 20 will continue to persevere, no one knows. The switch from the junior department into the senior brother department is yet to be made by the oldest members in the junior group. Is the simple professed brother studying the situation? How is he reacting to the thought: " When I leave the junior department to become a full-fleged brother, I must part company with youth, and I must drop the ways of youth."

Of course, not all the senior brothers are old men; however, most of them are—and their training was entirely different from the training which the simple professed brothers have received.

As a senior brother, the young man comes very squarely face to face with the realities and the rigors of the " hidden life ". To be sure, he has had seven and one-half years of preparation and training for the " hidden life ". But even so, twentieth century boys are inclined to forget preparation and training when, as the going gets rougher, their natural instincts come into more frequent and painful conflict with the supernatural—and by all means, let us remember that the brother vocation is decidedly a supernatural vocation! Not that the twentieth century boy is not a good boy; but we must confess that his environment and home training are (shall I say it?) unwholesomely different from what they were for the boy of thirty years ago.

Supernaturally speaking, the brother vocation is a very, very high one. But the world today is openly antagonistic toward it. Parents do not favor it, neither do priests. The lowliness of the vocation is a great hindrance, socially speaking. According to worldly standards—that more or less influence all of us—the boy who aspires to become a brother aspires to very little.

The monks themselves have few opportunities for preaching the vocation, and even less for fostering it. They are at a disadvantage, everywhere—even in the pulpit. When a monk preaches on the brother vocation from a parish pulpit his sermon is likely to be interpreted as " a bid for more free labor for his monastery ". The world is that way — terribly materialistic, money-minded; even Catholics have fallen under its scourge, much more so than they care to admit.

But there are vocations to the brotherhood. There must be. Providence would not permit the vocation to die out, would it? St. Joseph, who was a brother, must favor the vocation. But where to find the vocations, and how? The St. Meinrad monks answer the questions with their Junior Brother School, and are hopefully pioneering in a cause that is of great importance to the future growth of monasticism in the United States, where the brother problem weighs more heavily as the world grows more worldly.

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BUYING FOR CHURCH INSTITUTIONS.

The dismay of the Egyptians as the locusts of the plagues settled on their fields finds a modern counterpart in the rectory when the usually efficient housekeeper announces that she has been unsuccessful in repelling another janitor supply salesman. The pastor goes down and is regaled with Lessons I to VI, both inclusive, of this particular agent's high pressure salesmanship course. Sometimes there is a little variety. The visitor will start off with an account of his parish affiliation, his memberships in church organizations, his church attendance record and then emphasize the necessity of Father rewarding him for his sterling Catholicity by giving him a nice big order. The housekeeper, however, can usually dispose of this type because he does retain some characteristics of a gentleman. It is the high pressure man who usually wastes the pastor's time and, wearing down his resistance, walks off with an order.

While there are some individual cases that are exceptions, the attack is usually the same. Highly calendered circulars setting forth the superior merits of their particular line, extravagant claims and a liberal use of scientific terms, with no adjective lower than the superlative degree, are the ingredients that make a dilute solution of sodium hypochlorite, " the most effective disinfectant for school use ".

Of course there are certain janitor supplies which the administrator must purchase, and they must be bought somewhere. Salesmen, too, are a convenience, but the exaggerated, misleading and often untruthful (as is often ruefully discovered after a trial order) claims have made the pastor suspicious of the whole trade. As a matter of fact there is nothing mysterious about janitor supplies. The chemistry involved is not intricate, the formulae are usually very simple and the ingredients common and well known. Any pastor who is interested could have his sexton or janitor mix materials that would fill his needs at a much lower cost than the average janitor supply house feels it can charge. Indeed, some common chemicals can be used with very little preparation.

Disinfectants are a favorite with the high pressure salesmen. Compare their pseudo-science with these excerpts from the *Journal of the American Medical Association* (28 March, 1931): " In combating contagion, modern sanitary practices have elimi-

nated disinfectants for spraying school rooms. Soap and water is the best agent for cleaning floors, together with plenty of fresh air and sunshine. In the case of lavatories, urinals and toilet bowls, so called germicides in reality accomplish nothing except covering up the primary odor by the stronger odor of the chemical used." If, however, the pastor has been enamored by the co-efficiency talk, or parents think well of disinfectants, he can make a pine oil that is quite as inefficient as any he can buy for $1.75 by mixing a gallon of paraffine oil and three ounces of pine oil; cost about a quarter. More effective would be mixing 4 oz. Compound Solution of Cresol USP in a gallon of water (similar to a popular and expensive proprietory disinfectant), or 6 oz. chlorinated lime (chloride of lime) in a gallon of water, or one part 40% formaldehyde solution (Formalin) with 9 parts of water. Chase and Schlink in their *Your Money's Worth* report that a "disinfecting spray made of formalin, perfume and Lake Michigan water was marketed under a brand name at the rate of $62 a barrel. When its composition was made known, the price dropped to 47c per barrel." Sinks and toilet bowls can usually be kept immaculate by the use of TSP. If badly stained, sodium acid sulfate may be more effective. This is the active agent in a widely advertised bowl cleaner.

TSP (trisodium phosphate) is seldom heard of around the rectory or school, although it is often there under a fancy trade name. It is one of the best cleaning agents and water softeners known, and in barrel lots costs only a few cents a pound. Mixed with soda ash, borax, soap, etc., it masquerades under many an appealing name as a special formula. TSP is excellent for emulsifying greases and oils. Two teaspoonfuls of TSP to a gallon of hot or warm water is suitable for a variety of cleaning purposes; e.g. dishwashing, laundering, cleaning floors, washing woodwork, windows, and furniture. It should not be used on linoleum floors or to wash aluminum utensils, silk or wool. If you are partial to scrubbing compounds, stir a pound of TSP and two pounds of soft soap to a gallon of hot water until the solution becomes syrupy. A cupful to a pail of warm water makes a good cleaning solution. Add a little pine oil or oil of cedar leaf if your estheticism expresses itself that way.

Another product that elicits fine flights of oratory and conflicting claims is floor wax. The so-called self-polishing wax is

little more than carnauba wax emulsified in water. To make it yourself, take 25 parts by weight of wax and 15 parts of an emulsifying agent (Aquamel sold by the Glyco Products Co., Brooklyn, N. Y. is one) and heat until it becomes a clear jelly. Add 225 parts (by weight) boiling water, stir thoroughly until cool. If you prefer the more durable oil solvent wax, the U.S. Bureau of Standards, back in 1917, suggested the following formula:

Carnauba wax	2 parts (by weight)
Ceresin	2 parts
Turpentine	3 parts
Gasoline (sp. gr. 0.725)	12 parts

The waxes are melted by heating in a vessel of hot water, and the turpentine and gasoline are then added and the mixture cooled as rapidly as possible, while vigorously stirring to produce a smooth creamy wax. Keep away from flame, as turpentine and gasoline are very inflammable. Another formula given is

Turpentine	1 pint
Beeswax	4 oz.
Aqua ammonia	3 oz.
Water (about)	1 pint

The wax and turpentine are heated until the wax dissolves, removed from the hot water vessel, the water and ammonia added and the whole mass stirred vigorously. Your candle salesman can obtain for you or tell you where to get the carnauba wax and the beeswax. Carnauba wax, because of the war, has increased in price lately. Making your own floor wax may be too much trouble, but it is well to know what the ingredients are, and to let the salesman know that you know there is nothing mysterious about the product.

Another mysterious and mystical product, according to the high pressure men is furniture polish. The U. S. Department of Commerce does not agree. In circular C424 (Superintendent of Documents, Washington, D.C., Price 15c) it gives a number of formulae. " A straight mineral oil, neutral in reaction, such as transformer oil or paraffin oil." Another, " Raw linseed oil, 1 pint; turpentine, 2 pints; Beeswax, 1 to 2 ounces.

Dissolve the wax in oil by heating slightly, add the turpentine and mix. Shake well before applying."

Most commercial insecticides are adulterated, misbranded or ineffective. Sodium fluoride (poison) dusted into corners and cracks will kill ants and roaches. Phosphorus paste (poison) is also good for roaches. *Cimex lectularius* can be destroyed by injecting coal oil (inflammable) into cracks in furniture and walls. Pyrethrum-kerosene sprays (Flit, Fly-Tox, etc.) are effective against flies and mosquitoes only if the spray comes in contact with the insect. A spray can be made for about 75c a gallon by adding a pound of pyrethrum powder to a gallon of gasoline (not leaded). Stir occasionally and allow to settle over night. Pour the clear liquid into tightly corked bottles or cans. For moths, the ordinary naphthalene moth balls or flakes are as good as anything, if a pound is used for each hundred cubic feet, and the clothes container is kept almost air-tight. Most commercial preparations are ineffective.

Like any other business house, the janitor supply company is entitled to a legitimate profit. It is not justified, however, in allowing copy writers to make misleading claims, utter half-truths and even untruths to push the sale of its products. There is no real reason, except to get a high price, for using highly decorative containers, or coloring a soap powder, or adding perfume to a floor oil. Janitor supplies are strictly utilitarian. There is no need for advertising tricks or high pressure salesmanship. The chemicals used for cleaning are simple and rather inexpensive. The industry might well consider abandoning the superlatives and unsupportable claims usually made, and establish standards and prices that are fair to the consumer. Until this reformation takes place, it would be well for those who must keep buildings clean and in repair to consult the circulars and pamphlets issued by the various governmental department and bureaus. Some of them contain a deal of technical data and are padded with "scholarly" research matter, but they also give facts that are helpful and result in real economies.

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A DIOCESAN APOSTOLATE.

The missionary spirit of America is broad, though manifested only recently on the surface and in action. There remain vast reserves of power as yet unreleased. These forces are within the very soul of the Church, deep in the heart of Faith, and their most successful issue will be through the corporate Body of the Church. How stupendous an accomplishment if the whole Church in America became missionary in idea and expression!

We have sometimes thought that this was the destined development for the United States which is so singularly a type-mould. Here, the Church flourishes; paganism flourishes; Protestantism flourishes; Communism is beginning to flourish. Here, the citizens of the world reside without homogeneity of race or uniformity of cultural viewpoint. Here, we have opportunity for the formal development of hierarchial Catholicism and an unparalleled opportunity for an evangelizing Church. The United States is a challenge to our belief in the inherent compulsion of the Faith and its universal acceptance.

While so viewing the circumstances, we have never been surprised, though always disappointed, to observe that efforts of special groups, ecclesiastically organized for missionary work among non-Catholics in America, have never met with a national response. There was no lack of zeal or ability or application. The instrumentality was not suited to the purpose. The indirect and unintentional restriction of the objective as a specialty of one or another Society, obscurely prompted some to abstain from participation and prompted others to feel absolved from obligation.

If " the other sheep " were committed to the care of certain shepherds, the unspoken presumption was that the rest of us need not properly and vocationally be concerned. For generations past, devout Bishops and Priests, in the distress of their zeal, have devised Committees or encouraged societies to dedicate themselves to Church extension and conversion. But the efforts have remained efforts of a specific society.

The truth of the matter would seem to be that the work is one for the Church, rather than for some society or differentiated group. It is an essential function which, under the contemporary circumstances of American life, cannot be delegated. Foreign missions must be delegated, but the cultivators of the

domestic fields are the Bishops and Priests who have been given territories and among whom these United States are already geographically partitioned. For them, to delegate is to resign.

The Church as a whole is not only obligated to, but is itself the instrument for, conversions. In this case, the widest possible is the only efficient basis on which to build. It is, moreover, the eminently canonical approach to the problem.

As a prelude, the organization of the effort could be directed to sharpen our awareness of diocesan and parochial units. These are more enduring than any Society or Committee; they reach out to all; they have authority and do not depend upon voluntary enrollment; they can command. They need but to be made conscious of conversion as a parochial work, and then instructed and encouraged in its fulfillment.

It is this function that a Central Office, together with Diocesan Directors should primarily assume. I have chosen the term " Central Office " rather than " National Bureau " to dissociate the concept from present political tendencies; and also, because the word " national " conveys the idea of superior authority which, if applied in this case would detract from the autonomy of the diocese which it is particularly desired to conserve.

Moreover, the problem of conversion is seldom national; nor is its solution. Certainly it is not national in America as it might be in a country like Germany. Here, there are regional, racial, social, educational, economical, differences which each diocese, or better, *each* parish, is better equipped to understand and conform to than any national bureau could conceivably be. Higher criticism, — Hegelianism — the Kantian doubt; Nonism and creative evolution; Freudianism and the religious economic of Communism have weakened the Catholic position nationally, but in varying degrees, according to race, section, education, etc. These influences have also made conversions difficult, particularly among the better educated who, conscious of philosophical confusion, take refuge in Indifferentism.

But among the uneducated classes, these influences were less immediate in their incidence. The bigoted ignorance of the South was unmodified in its bitterness; the Negro was unshaken in his conviction of a personal relation with God and no less expectant of that personal revelation which supports him outside

the Catholic Church. The anti-Catholics who draw sustenance from the history of the Church, though shaken by the contemporary Doubt, remained only a little less firm in their despite of Catholics.

For all such, the first step in conversion is rebuttal, (at least to some extent), but this can be carried on only by a corps of variously equipped workers such as would be the Priests, *all* the Priests, of the United States, each one knowing the thoughts current in his own section. *The defence is many-sided.*

But we are inclined to believe that the attack is *one-sided*; that it is a *straightforward teaching of the Catholic doctrine.* This teaching would be selective in its emphasis; and essential, rather than ecclesiastical, in its extension. Some of us think it altogether possible that since the Reformation we have defended too much and taught too little. By consequence, we are today more critical than constructive; we expose fallacies with more readiness and ease than we build a new order of action on the old principles of Faith. We have had to defend so tirelessly that we have become timid to approach. And with a sure instinct that man shares with other animals, people have become vaguely conscious that we have lost our flaming, conquering conviction in the compelling rightness of Revelation. Our world is not yet so rigidly sophisticated that it does not succumb even to the fanatic who is sure of himself and of his message. It is this sureness which, while we have, we do not express triumphantly as do Nazis and Communists. We must seek to develop a conversion trend. Conversion is as frequently the outcome of a movement as of a psychological crisis.

A cautious and controlled direction toward these objectives would be the proper function of the Central Office. The chief of this office could be called the Secretary—a title which would sustain the idea of service and withhold the idea of graduated authority. The Directors would be diocesan and have their office wherever possible at their respective Chanceries. This location would contribute to the acceptance of the work as diocesan, while at the same time facilitating the executive action of the Directors. In this connection it occurs to us to suggest for the whole organization the title—DIOCESAN APOSTOLATE.

The Central Office could be associated with the N.C.W.C. and benefit therefrom. Its primary medium of direction could be

a magazine issued exclusively for the Priests and seminarians of the country. This would be a work-sheet setting forth policies, programs, methods of approach; calling attention to current problems of conversion; instructing on the character of contemporary literature and the press; warning against subversive enemies or ideas. It could report successes, methods used, and supply an open forum for discussion or the presentation of local problems. The Central Office could act as a clearing-house for information as from one diocese to another on certain prospective converts. It could collect data on individuals, periodicals, etc., substantiating their Catholic or anti-Catholic tendencies. It could have sections for racial groups, for public school education, for private universities, for labor organizations and for federal politicians (local and state politicians to be covered by a diocesan agency). There could be a section for catechetics. All these and many other activities which should readily suggest themselves would be interlocking and cooperative with the diocesan Directors. In addition, special Directors could be appointed in each city for relations with the public press, with public welfare organizations, etc.

The organization in the field could reach, through the Diocesan Director, to one or more Priests in every parish. Moreover in each parish, a committee of laymen and laywomen could be formed and comprised of a lawyer, school teacher, newspaper man or woman, civil service workers, union workers—preferably delegates; miscellaneous office workers, physicians, salesmen, etc. Special groups could be formed among telephone and telegraph workers and, in certain cities, broadcasting staffs, moving picture workers and artists. The organization of such personnel being conceived as a means of influence upon those who form, purvey or convey public opinion. Catechetical instructors should be trained as a special group.

This slight sketch of schematic formation favors as Secretary of the Central Office the appointment of some Priest of mature wisdom and capacity to understand the non-Catholic as well as the Catholic mind: someone who is a combination of scholar, propagandist and apostle. Preferably, it should be someone who is known widely by non-Catholics as well as Catholics, and accepted by both with respect.

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HOW TO DECLARE THE WORD OF GOD.

Cardinal Manning held pulpit orators in great scorn. He says in the *Eternal Priesthood*: "The world runs after pulpit orators. They please the ear and do not disturb the conscience. They move the emotions but do not change the will. The world suffers no loss for them, nor is it humbled or wounded."

The great English prelate possessed strong antipathies, some of which were bitterly disputed. I am not sure that he defined pulpit oratory otherwise than to say: "The ambition to copy the Roman orators in style and in diction and in gesture destroyed the simplicity of Christian preachers, and bred up a race of pompous rhetoricians, frigid, pretentious, and grandiloquent. It may be truly said that pulpit oratory came in with the revival of paganism, impiously called Renascimento."

We have also seen how thoroughly St. Paul rejects worldly standards in preaching the Gospel. Is there no place for beauty and art in a sermon? Does no spiritual value accrue from preaching an adroit homily, delightful as well as devotional, interesting as well as instructive?

It is a remarkable spectacle, this struggle in the Christian pulpit to employ rightly the arts and artifices of human persuasion. St. Augustine rebuked "the blessed Cyprian" for burying the truth under "a frothy mass of ornamental words," of which redundancy, he assures us, Cyprian was cured by the wholesome discipline of Christian teaching.

We hear Gregory the Great, Pope and perfect homilist, declare his absolute disregard for the ornaments of grammar (rhetoric), in the words: "Wherefore I have scorned to observe all art of style, in which pupils are drilled in schools of outer training. For, as the tenor of the present letter makes evident, I shun not the collision of ms; I avoid not the disorder of barbarisms; I despise a conformity of constructions and moods, and cases of prepositions." And he concludes with this biting (and highly literary) phrase: "For I deem it exceedingly inept to fetter the word of the heavenly oracle to the rules of Donatus."

Reading this we are likely to recall St. Paul's "not in the persuasive words of human wisdom," and also the opinion of reputable grammarians that vigorous language may be better than correct language. However it is evident there are few, if

any, flaws in Gregory's grammar in spite of his repudiation of Donatus, the grammarian.

It may surprise us to discover the strong cultural influence pagan men of letters hold over Christian scholars. Augustine's life's dream was to have heard Christ on the Mount, Paul in the Areopagus, and Cicero before the Roman Senate. He frequently quotes Plutarch, Virgil, Sallust, Livy, Horace, when refuting pagan claims; not, of course, in expounding Christian doctrine. He does, however, call upon a famous Ciceronian passage to impress his method of teaching Christian doctrine: " Accordingly a great orator has truly said ' an eloquent man must speak so as to teach, to delight and to persuade ' "—a phrase to remember.

Saint Jerome, a pupil of Donatus, loved the classics passionately. So great was his devotion to Ciceronian periods that he was soundly rebuked for it, he himself tells us, in a vision or dream: " I could not altogether give up my library, which I had collected with much zeal and much labor at Rome. And so, poor wretch, I would fast in preparation for reading Tully. . . . If ever I recovered my senses and tried to read the Prophets, their uncouth style rubbed me the wrong way. . . While thus the old serpent was beguiling me one day, about the middle of Lent, a fever flooded me . . . and they made ready for my obsequies. . . When of a sudden I was caught up in spirit and hailed before the Judgment seat of God. . . . When a voice asked me concerning my condition, I said that I was a Christian. ' Thou liest ', said He who sat on the Throne, ' thou are a Ciceronian, not a Christian, for where thy treasure is there also shall thy heart be.' "

Whatever the effect of this warning, St. Jerome did not entirely foreswear the Ciceronian arts. In those early days of Christianity, much learning was bound up in Greek and Roman literature, which even later ages have not altogether divorced. We are not, therefore, greatly astonished at Lactantius', Augustine's and Jerome's worship of Cicero. It is more surprising to find that Cardinal Newman confessing late in life: " I owe a great deal to Cicero in pattern of style, and so far as I know, nothing to anyone else."

In the sixteenth century's rebirth of Roman and Greek culture, inferior men, attempting to fit the Ciceronian and

Demosthenian art into Christian oratory, fell into vices which invoked Cardinal Manning's malediction upon " a race of pompous rhetoricians ". And a bad feature of the attempt was that it set an example for a succeeding generation who were even less equal to it.

The primary object of craftmanship in a sermon is to preach the Word intelligently, and with due dignity, and, of course, with success. We have but to consider this basic reason to see that skill and art are both practical and necessary. They must be used, of course, for that primary purpose, with a single eye. This is something essentially different from " persuasive words of human wisdom " and the " vain and ambitious eloquence of pulpit orators ". The former refers to false logic, the latter to false art. No one could be more charming than Our Divine Lord, " No man ever spoke like this man ".

Nor are we to suppose that Paul's preaching was devoid of oratorical skill. On the contrary we find him employing a fencer's adroitness in argument, striking analogies, and an astute use of language. It is true he made no play for the elaborate arts of the rhetoricians, nor did he adopt the orderly style of the peripatetic school. His style was rude, his transitions abrupt, his figures sometimes incoherent and his periods broken. He struck with the directness and abandon of a thunderbolt, yet occasionally with great grace of diction. His only effort was to engrave his ideas upon the soul, indelibly, with vigorous strokes and impressions.

But for fear some may think this reasoning to be an example of the worldly wisdom Paul deplores, let us examine the opinion of some of the Fathers.

St. John Chrysostom, in the fourth book of his works on the Priesthood, writing in the form of a dialogue with his friend Basil, says:

> " In short, to meet all these difficulties, (i.e. attacks of heretics, Jews and defamers), there is no help given but that of speech, and if everyone be destitute of this power, the souls of those who are put under his charge, (I mean the weaker and more meddlesome kind) are no better off than ships continually stormtossed. So that a priest should do all that in him lies to gain this means of strength."

Basil:

"Why then was not Saint Paul ambitious of becoming perfect in this art? He makes no secret of his poverty of speech, but distinctly confesses himself to be unskilled, even telling the Corinthians so, who were admired for their eloquence and prided themselves upon it."

Chrysostom:

"This is the very thing that has ruined many, and made them remiss in the study of true doctrine. For while they failed to fathom the depths of the Apostle's mind, and to understand the meaning of his words, they passed all their time slumbering and yawning, and paying respect, not to that ignorance which Saint Paul acknowledges, but to the kind from which he was as free as any man ever was in this world.

"Granting that Saint Paul was as unskilled in this respect as they would have him be, what has that to do with men of today? For he had a greater power by far than power of speech; power which brought about greater results too. . . The men of the present day, if they were all collected in one place, would not be able with infinite prayers and tears, to do the wonders that once were done by the handkerchief of Saint Paul. . . .

"Now, that he was not so unskilled, as some count him to be, I shall try to show in what follows. . . . He was 'rude in speech, but not in knowledge' (II Cor. XI, 6). Now were I to insist upon the polish of Isocrates, the weight of Demosthenes, the dignity of Thucydides, and the sublimity of Plato in any one Bishop, Saint Paul would be strong evidence against me. But I pass all . . . the elaborate ornaments of profane oratory; . . . let a man's diction be poor and his composition simple and unadorned; but let him not be unskilled in the knowledge and accurate statement of doctrine.

"For how was it, tell me, he confounded the Jews at Damascus, though he had not yet begun to work miracles? How was it he wrestled with the Greeks and threw them? . . . How can any one dare to pronounce him unskilled, whose sermons and disputations were so exceedingly admired by all those who heard them."

Saint Augustine, conspicuous like Chrysostom for his rare judgment, writes in his fourth book of a Treatise on the Teaching of Christian Doctrine:

> " Now the art of rhetoric being available for the enforcing either of truth or falsehood, who will dare to say that truth in the person of its defenders is to take its stand unarmed against falsehood? For example, that those who are trying to persuade men of what is false are to know how to introduce their subject, so as to put the hearer into a friendly, or attentive, or teachable frame of mind, while the defenders of the truth shall be ignorant of that art? That the former are to tell their falsehoods briefly, clearly and plausibly, while the latter shall tell the truth in such a way that it is tedious to listen, hard to understand and, in fine, not easy to believe it?
>
> " Who is such a fool as to think this wisdom? Since then the faculty of eloquence is available for both sides, and is of very great service in enforcing either of wrong or right, why do good men not study to engage it on the side of truth, when bad men use it to obtain the triumph of wicked and worthless causes, and to further injustice and error? "

Eloquence, Augustine defines in the succeeding paragraph: " To a tongue thoroughly skilled by exercise and habit in the use of many words, and many ornaments of speech, add a knowledge and use of the theories and rules of rhetoric, and you have what is called eloquence of oratory."

He maintains that wisdom is of more importance to the teacher of Christian Doctrine than eloquence, but asserts that in general the Sacred Writers were both wise and eloquent. And, the teacher of rhetoric turning up under the mitre, he points out the forceful climaxes, the splendid arrangement of periods, the clever use of the periodic sentence, which ornament the writings of Saint Paul. However he does not say that Paul's eloquence was studied; rather it was—" as if wisdom were walking out of its house,—that is the breast of the wise man, and eloquence like an inseparable attendant, followed it without being called for."

It is evident that Augustine, with Chrysostom, considers that the arts of rhetoric and eloquence may be very useful to the teacher of the Gospel. He says, paraphrasing Cicero's priceless

phrase: " An eloquent man must speak so as to teach, to delight and to persuade. To teach is a necessity; to delight is a beauty; to persuade is a triumph."

The greatest Doctor of the Church and the genius of pagan culture are agreed that the chief aims of eloquence are to teach, to delight and to persuade. Cicero was speaking of the oratory of the bar and public forum. But Augustine, quoting him, was writing of methods of teaching Christian Doctrine.

To teach, holding the preeminence of necessity, is given the first place in Augustine's trilogy. Man needs knowledge first of all because he is a rational creature. He needs knowledge as the eye needs light. " I am the light of the world ", said our Divine Lord. Moreover ignorance, like want, is not only pitiful but also dangerous. Sin lurks perilously close to both. Ignorance of the crafts and of culture is a handicap to man. But most pitiful of all is ignorance of Christian truth and moral precept; for in that starved soul, wherein it lies, to use Dickens' phrase, " devils lurk and hide, where angels might have sat enthroned."

Preëminence of effect is given to persuasion. " To persuade is a triumph." It is the climax of the power of eloquence. The imparting of knowledge is a relatively simple matter. But convincing a man, changing his mind, converting him is a trumph, greater for that it is gained without bloodshed or rancor, solely by persuasion. Converts are the apostle's children born of the travail of proper preaching.

Midway between the two, and helping both, Saint Augustine places the teacher's duty of pleasing his audience,—" To delight is a beauty ". The delight spoken of is not the pleasure of soft cadences lulling the ear as music does, nor the flattering discourse of the false prophet, but rather the pleasure of interest aroused by the acquisition of truth, the sweet compulsion of logical argument, and persuasive beauty of sublime ideas suitably expressed. For if we are possessed of a blessing prophets and kings were denied, that of hearing the word of God, it is surely an added joy to hear it well delivered.

Culture, to be sure, is not Christianity; nor intellectuality spirituality; nor is art virtue; nor beauty necessarily truth. But we have the daily instance of the devil using natural grace and charm to allure. Why, for better reasons, should not Christ's

disciples use them? Moses was a greater leader for being learned " in all the wisdom of the Egyptians ". And the Israelites were commanded to despoil Egypt and to use the treasures in the worship of Jehovah.

But what of Gregory's oft-quoted disdain for the rules of rhetoric and the charms of eloquence? Gregory the Great was an educated man, in the worldly sense, but he chose deliberately to disregard that education. He gloried in his assumed rusticity, " Wherefore, I scorned to observe all art in style."

He also wrote a letter to Bishop Desiderius of Vienne, an extract of which reads: " It has come to our notice that you, my dear brother, have been holding conferences on ancient literature. . . The same lips cannot sound the praises of Jupiter and the praises of Christ. How serious an impropriety it is for a Bishop to sing what is ill-suited for a religious layman, do yourself reflect. . . Wherefore if the report that has come to us later prove manifestly false, and if it be certain you do not devote yourself to frivolities and secular letters, we shall render thanks to God."

We wonder if any one, knowing the great Pope, is led into believing he could countenance uncouth or careless writing or preaching. He was one of the greatest Doctors of the Church, and a master of the homily.

The context of the preface to his commentary on Job, carefully read, shows his intention not to exhibit a more ornamental diction than that of the Holy Writ he expounds. Scriptural comment in the oratorical style, he contends, is not for him.

And, regarding his letter to Bishop Desiderius, is it possible that Gregory, by some grace or brilliant foresight, could have foreseen some of the pulpit profanations of the Renaissance, when pagan gods vied with angels for mention in the sermons? What Gregory feared actually happened; religion in some quarters became debauched with pagan learning.

We are inclined to regard Gregory's disdain for the arts as a relative affair. Sanctity, after all, not culture, is the Church's first standard. The liberal arts, useful as they may be, are in a plane below Christian simplicity. In fact he says as much in his Exposition of the First Book of Kings. His emphasis was placed on the spiritual, and probably Desiderius had something better to do than to teach pagan antiquities.

Listen to a successor to Gregory, Leo XIII, who writes in Ciceronian periods it is almost a pity to translate: "Perceiving then the usefulness of the literature of Greece and Rome, the Catholic Church which has always fostered whatsoever things are honest, whatsoever things are lovely, whatsoever things are of good report, has always given to the study of the humanities the favor that it deserves, and in promoting it has expended no slight portion of its best endeavors."

But the best answer to our question is our Lord's own preaching. Jesus presented the eternal truths in a way we could best grasp them. He might have clothed them in austere philosophic language, and taught in the dry maxims of the schools. Instead He dramatized the lessons, enlivened and colored them so we could the better understand them. The Sermon on the Mount is a marvelous weave of story, rhetorical climax and contrast, and of pithy epigram. The Parables are exquisite imagery. The infinite tenderness of God's love was scarcely realized until Jesus expressed it in the parables of the Lost Sheep and Prodigal Son. Recall the clash of wits in John 8, where our Lord led the Pharisees unsuspecting step by step to the threshold of that unequivocal declaration of His Divinity: "Thou art not yet fifty years old and hast thou seen Abraham? Amen I say to you; Before Abraham was made, I am." I imagine it took their breath away. It was superb.

We must remember, as our Lord always did, that many people lack imagination, and that the best minds need it stimulated. It takes all the artistry and poetry of the storyteller and dramatist to make people see the beauty and pathos of things before their very eyes. How much more is it needed for truths unseen!

Dante's mighty metaphor, the *Divina Comedia,* is but a dramatization of the cold and precise Latin of St. Thomas,—"infiammata cortesia ed il discreto latino di fra Tommaso". It was the grandest effort to portray the unspeakable mysteries in a way the most unimaginative could understand. The syllogism of St. Thomas is science; the poetry of Dante art.

The Holy Books, under the breath of the Holy Spirit, are replete with drama and art. Is not the story of Joseph beautifully told? Is not there consummate skill, with simplicity, in Isaias's parable of the vine—"My beloved hath a vineyard"?

The psalms are exquisite poetry. Let the reader try to write the account of the Incarnation, and then compare it with John I, or Luke I.

St. Bernard's sermons are filled with the art of persuasion. St. Gregory's and the Fathers' are works of homiletic art. In them there were no dramatics, persiflage or sentimentalism. These great preachers hammered a solid theme into shape, earnest and scriptural, and delivered it with austere power, and sometimes with great grace.

This is no compromise with the world. The answer to the question, " Should we use art in sermons? " is, that there is a true art and a genuine beauty, both from heaven. There is also a false art, as there is a meretricious beauty. No height of fine writing or clever talk can supplant the " wisdom of the cross ". Literary (*ut sic*) sermons, like broadened phylacteries, may be the mark of a Pharisee. " My son ", says the *Imitation of Christ*, " be not moved with the fine and quaint sayings of men, for the kingdom of God consists not in talk but in virtue." But there is undoubtedly a just reason for preaching a beautiful sermon, as there is pleasure and profit in hearing one. Beauty is called " the luster and splendor of truth ". " Sanctify them in truth. Thy word is truth."

When all is said and done, the preaching of Jesus Christ, with necessary accommodation to modern life, is our ideal. Yet His simplicity is supreme art, which we can approach only with the greatest labor.

In the history of preaching there is something comparable to our own growth. " In youth there is a time of marvellous vision and intense impression, which shortly passes, but not without leaving in the soul focal points forever sensitive." Something of this nature occurs also in the first fervor of religious, which though passing, leaves ideals and stimulating memories. The Church has had that moment of intense impression and deathless beauty in the first century. It has forever stamped and marked her ideas and ideals of preaching. We might say that Christ's preaching is like the pageantry of dawn over the world, which comes with a vividness and splendor too great for words, pauses for a moment, just long enough to stamp the soul of the observer with its beauty, and then is gone.

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COMMUNION-CLOTH WHERE THERE IS NO COMMUNION-RAIL.

Qu. In the March issue of the REVIEW you stated that a communion-cloth, in addition to a metal plate for communicants, is necessary when distributing Holy Communion. What is to be done in places where there is no communion-rail, as in chapels, or when Mass is said in a hall?

Resp. The method of carrying out the rubric concerning the use of the communion-cloth in addition to the paten must be left to the good judgment of the priest in charge when peculiar circumstances are present. In some chapels, as in seminaries, where there is no communion-rail and a small number of communicants kneel in place at one time, it sometimes happens that two servers hold the linen cloth, one at each end, facing each other. Where the kneeling space for Communion is extensive, perhaps the suggestion contained in the answer to the question in the March issue can be used, with the server holding a large linen covered card and the communicant holding the paten, passing it to his neighbor, as is done in many churches and chapels. The purpose of the rubrics is clear to all priests who give many Communions. While the paten is of great help in preserving the minute particles that so often break off from the small hosts, it sometimes happens that the paten is not properly held and some small fragments do fall to the floor, or, in rare cases, when a host falls from the tongue of a communicant, the paten alone is not always able to completely check its course. In this case the secondary cloth is invaluable.

MINIMUM NUMBER OF ATTENDANTS AT BENEDICTION.

Qu. What is the minimum requirement as to attendance at Benediction of the Blessed Sacrament?

Resp. "Two kinds of Benediction and Exposition are distinguished in the Code (canon 1274), viz., private and public. The difference between them lies in the manner of exhibiting the Blessed Sacrament as well as in the reason for which it is permitted. Private Exposition, that is to say, with the ciborium, may be held for any reasonable cause without permission of the Ordinary in all churches and oratories in which the Blessed Sacrament is lawfully kept. It can be imparted 'pro causa tum

publica tum privata'. What is a 'causa privata'? A case of sickness or the mere desire of pious persons or of a religious community would be a private cause sufficient to justify private exposition. Public Exposition, i.e., with the ostensorium, may be held in all churches on the feast of Corpus Christi and on every day within its octave, at Mass and Vespers, but not on other occasions except for a just and weighty reason, especially of a public character, and with the permission of the diocesan Ordinary, which is required also for churches that belong to exempt religious." [1]

No set number of attendants is specified by church law. Except on Corpus Christi and during its octave, the priest must have the permission of the Ordinary to give public Benediction. Usually the diocesan statutes enumerate the days on which Benediction is to be given. On these and on other occasions permitted by the Ordinary a relatively large portion of the membership of a parish is expected to be present. As parishes differ greatly in size, naturally no definite number can be set. If, at any time, the rector thinks that the attendance is too small, he may and should substitute private Benediction with the ciborium.

CHRIST'S IMPECCABILITY AND HIS FREE WILL.

Qu. How can we reconcile Christ's impeccability and His liberty?

Resp. Freedom of the will is a perfection which is proper to intellectual or rational beings. Being exposed to the possibility of sin, on the other hand, is distinctly an imperfection. The will is free with regard to those things which are seen as limited goods, objects in which the full measure of good is not found but which partake of its desirability. Actually, of course, the full measure of Good, the Infinite and Subsistent Good is God Himself. Just as it is impossible for any one to be free with regard to the good in general, so it is impossible for any one to reject God when he sees that God is the Subsistent Good. As a result only those beings can sin, or reject God, who do not see Him face to face.

The possibility of falling into sin is a weakness, an imperfection. A man sins only when he makes the culpable practical

[1] Augustine, *Liturgical Law*, pp. 238-239.

judgment that some merely apparent good is really good, and turns away from God in order to pursue it. Since our Lord is a Divine Person, there can be no question of any such faulty practical judgment on His part. Since from the very first moment when His human nature began to exist, He possessed the beatific vision, He enjoyed the same impeccability and perfection of liberty which the saints in heaven enjoy before the throne of God. Naturally, liberty is more perfect as the intellectual knowledge on which it is based is better. Seeing God face to face, our Lord had a perfect domination over those things which are meant to serve toward man's attainment of God. Thus His impeccability is based upon the very factor which contributes to the sublimity of His freedom. (Cf. *Summa Theologica,* III, xviii, art. 4 ad 3.; Diekamp, *Theologiae Dogmaticae Manuale,* X, 2, p. 267.

"JESUS GREW IN WISDOM."

Qu. May I ask you to be so kind as to explain theologically the Gospel text, "And Jesus grew in wisdom, etc." (Luke 2: 52).

Resp. Our Lord Jesus Christ is both God and Man. In the ineffable unity of His Person, He possesses both a divine and a human nature. By reason of His divine nature He possesses that divine knowledge or wisdom which is really identified with the divine nature itself. There never could be any question of advancement or progress in the line of this divine knowledge with its eternal and infinite perfection. Consequently there is no allusion to this knowledge in the text of Saint Luke to which reference is made.

By reason of His human nature, our Lord could and did possess created knowledge, really distinct from the eternal and uncreated knowledge which is the divine wisdom. The human mind of Christ was enlightened by three distinct kinds of created knowledge. The first of these three kinds, which He possesses even now in heaven, is the *scientia beata.* This knowledge is the beatific vision itself. The second sort is the *scientia infusa,* the principles of which are species divinely formed in the intellect of Christ independently of any activity of the senses. Our Lord possessed both of these types of knowledge from the very moment of His virginal conception. Entitatively neither

is capable of increase, since both are perfect and complete from the beginning. The third type of created knowledge within the human soul of Christ is the *scientia acquisita.* This is the kind of knowledge which men possess naturally in this world, by way of abstraction from sense images. The content of this type of knowledge increased in our Lord while He lived in this world in the same way that it increases in other men, through the process of natural observation. However, other men are taught by their fellows, while, because of the position which He occupied as the supreme teacher of mankind, our Lord by His own intellectual powers alone, and not through the aid of other men, actually advanced in the content of this acquired knowledge. The citation from Saint Luke refers to this type of progress in wisdom. There is, however, another way in which He could be said to have advanced in wisdom, not only according to the acquired knowledge, but also with reference to the other two types of created science which He possessed, while He was in this world. He manifested His wisdom more and more as the years passed, and thus there was a progress in the operation of all three of these types of created knowledge.

This teaching is part of the tradition of the Church which was expressed in the writings of the Greek Fathers, in particular Saints Cyril of Alexandria, Athanasius and Gregory Nazianzen. Saint Thomas teaches it in the *Summa Theologica,* III, qu. ix, per totum, et qu. xii, art. 2. His *Catena Aurea* and Cornelius a Lapide's commentary on this verse of Saint Luke contain excellent explanations.

A TYPOGRAPHICAL ERROR CORRECTED.

To the Editor, THE ECCLESIASTICAL REVIEW.

In the May number of your Review, 1939, appeared an article of mine under the title, Conditional Administration of Extreme Unction, in which I enumerated and explained six cases in which persons should be anointed only conditionally.

Recently a clerical friend drew my attention to what was evidently a *lapsus calami* or a misprint. It is clear that the word *not* should be deleted on page 456, third line from bottom of page. Thus the paragraph to which I refer should read: " 2. It

is doubtful whether a child has reached the age of reason (or, rather, attained the use of reason) or whether an insane person ever had the use of reason. Such a person *is anointed* with the condition: *Si usum rationis habeas—vel umquam habuisti.*"

Incidentally, I may add that I do not wish to claim the Latin expression of that condition, for the use of the subjunctive in the first part of the protasis is not classical. But, as correct Latinity is not the matter under consideration, I use the sentence formulated by theologians.

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Ecclesiastical Library Table

RECENT BIBLE STUDY.

The Woman of Genesis 3: 15.

Outside the Church today the early chapters of Genesis have been relegated to the realm of myth so definitely that there no longer appears any discussion of the matter. The result is that Catholic exegesis, which acts most vigorously in a controversial atmosphere, is bereft of an external stimulus and remains more or less static. No better example of this laissez-faire attitude need be cited than the failure to bring a fresh viewpoint to what is perhaps the most tantalizing text of importance in the whole Old Testament—Genesis 3: 15, which concerns the Redemption and the Immaculate Conception. This failure is quite evident in the excellent summary of current opinion written by Father J. Trinidad, S.J., for a recent issue of the *Verbum Domini*.[1]

In the article mentioned, the writer indicates and discusses briefly four opinions, every one of which has its adherents. All four have held favor with greater or lesser popularity for a long time, yet no one of them is wholly acceptable in its present state of development. The first opinion holds that the woman of the text is Mary in the literal, immediate, exclusive sense; the second considers Eve in the literal sense, Mary in the typical; the third sees Eve in the narrower literal sense and Mary in the extended literal sense; the fourth accepts woman as womankind in the literal sense, with special reference to Mary.

Of these four opinions Father Trinidad accepts the third, inconsistently it seems to the present writer. The objection to the first opinion is based on the fact that in the context the only woman actually named is Eve; hence any opinion which excludes her would seem to be contextually untenable. This objection will be considered later; it has been consistently advanced against the opinion for centuries, though of all the objections against any of the opinions it is the easiest of solution.

The second opinion is rejected because there is nothing in common between type and antitype. While the present writer

[1] *VD.*, 19 (1939), No. 12, pp. 353-357: "Quomodo praenuntietur Maria in Gen. 3: 15?"

is in agreement with the conclusion, he feels that it is inconsistent to deny enmity with the devil as a common element when that enmity is accepted as a common element in the discussion of the third opinion.

Acceptance of the third opinion, that Eve is the woman in the narrower literal sense, Mary in the extended literal sense, seems forced. The author is faced with the necessity—as it appears to him—of including Eve in the literal sense; yet at the same time he admits that the " enmity in the text must certainly be understood as perfect ".[2] If that be true, the literal sense says nothing of " imperfect " enmity, and hence Eve cannot be the woman in any literal sense.

The fourth opinion is meritedly rejected because the word " seed " is understood in a collective sense in this interpretation, and therefore includes women as well as men; further, the woman in the text is considered as the source and origin of the " seed " which includes all men, and hence cannot be itself collective.

To return to the first opinion which is rejected with the comment of G. Repetti to the effect that the adherents of this interpretation are " generally speaking the theologians," i.e. not the exegetes: it has the merit of most fully satisfying all the exigencies of the contextual situation, while at the same time only one serious objection has ever been leveled against it. That objection may be stated thus: there is question of a definite, known woman in the text, and the only known woman in all the context is Eve. Formidable as that objection may seem, it has a simple, satisfactory answer which (while it has not hitherto been noted, to the writer's knowledge) is exegetically sound and obvious.

First of all, the Hebrew definite article defines but does not necessarily demonstrate; that is to say, it may define something known to the speaker or writer without at the same time indicating that the defined object is likewise known to the listener or the reader. Such use of the definite article is not uncommon,[3] and might be translated in English by " a certain," rather than by " the ". Hence exegetically it is not imperative that the

[2] *Ibidem*, p. 355.

[3] Cf. the Hebrew of Amos 5: 19; Is. 7: 14; Gen. 5: 7, 14: 13.

woman of the text be considered as the one mentioned in the context.

A second consideration, exegetically sound, will further weaken the link between text and context; it is based on the nature of the text. Admittedly the text is Messianic; but of its very nature a Messianic text is independent of its context. It rises out of, and is often colored by the context, but its thought content is separated from the context by its divergent time element. To cite but one example of what is sufficiently obvious, the prophecy of the Virgin Birth (Is. 7: 14) rises out of its context but has nothing in common with it. (In passing it might be noticed that in this same prophecy, though the word " virgin " has a definite article and though in the context the only known woman indicated is Isaias's wife, no Catholic exegete is inclined to consider the virgin as the woman indicated.) It follows then that it is exegetically permissible to consider the woman of the text as other than the woman of the context. Further proof is necessary to prove such divergence, but the possibility is evident.

Before suggesting such proof, it may be well to examine the contextual situation in order to clarify the type of woman demanded by the text. Through Adam and Eve sin has entered the world, and that sin (as we know definitely from later Scripture) is to continue with the entrance into the world of the descendants of Adam and Eve for all time. God, seeing the ruin of His universe, addresses the devil who is the prime instigator of that ruin, and His pronouncement touches the only point at issue—original sin. Half-way measures are inconceivable; either He must yield to the devil the advantage attained, and allow humanity as a whole to go to ruin, or He must begin a new order. As the old order had been ruined by Adam and Eve, if Eve is to be singled out literally to have part in the restoration, Adam would likewise be mentioned. Actually we know that no immediate restoration took place, since humanity was not released from the stigma of original sin. If there were question only of a mediate restoration, it is unintelligible that Eve and not Adam should be singled out. It was Adam who was the chief offender, it is the man and not the woman who has prominence in Hebrew descriptions of descent, and later Scripture is voluble about Adam but silent about Eve. Further-

more in only four Messianic texts is there question of a woman, and in the other three (Is. 7: 14; Mich. 5: 3; Jer. 31: 22) the woman is certainly Mary. Surely in this, the first Messianic prophecy, it is at least highly improbable that Eve should receive a prominence which she did not deserve; it would be as though she were being rewarded for precisely that which is reprehended in the immediate context.

A closer examination of the text itself reveals the impossibility of accepting Eve as the woman. The text runs thus: " I will put enmities between thee and the woman, and thy seed and her seed; it will crush thy head, and thou shalt lie in wait for its heel." (Douai Version, save for the substitution of the more accurate " it " and " its " for the inaccurate " she " and " her "). The text is commonly divided into three pairs: thee . . the woman; thy seed . . her seed; it . . thou. The first and third pair evidently refer to personal, individual animosities; the second is generally considered to be collective, but without foundation. The devil's seed can mean only sin, though it is variously interpreted as all sinners, or all the other devils, or as both; but all sinners are likewise included under the " woman's seed " if the latter is accepted in a collective sense, whereas the devils are not the spawn of Satan but co-conspirators. Hence the term is an abstract one, and not parallel to the concrete " woman's seed ".

The pronoun " it " refers, beyond any possibility of doubt, to " seed," and not to " the woman ". The Septuagint goes so far as to violate grammatical agreement and translates " he," in sense-agreement. The reference is obviously to Christ, a definite Individual, locked in combat with the individual Satan. But it is of the nature of a pronoun to exhaust the extension of its antecedent; hence the term " her seed," which is the antecedent, is to be understood in an individual and not a collective sense.[4]

[4] Some exegetes (as Father Ceuppens, O.P., for instance, in his *De Prophetiis Messianicis in A.T.*, pp. 38 ff.) hold that the victor over the devil is Christ literally and exclusively, while at the same time claiming a collective notion for " her seed "; this seems grammatically untenable. Others seem to bring the notion of the Mystical Body into the second and third pair, so that the victor, while primarily Christ, is the whole Christ, Head and members. But such an interpretation is unintelligible from the viewpoint of the Old Testament: nowhere in any literally Messianic prophecy is the Messias ever merged with others—He is always a Person apart, distinct, separate, not ruling with but over His subjects. The Mystical Body intimacy is wholly of the New Dispensation.

Now the very word " seed ", whether concerned with vegetative, animal or human life, indicates by its nature immediate origin; mediate origin, in the sense of " progeny " is an extension which does not deny but rather presupposes the primary meaning of the word. This is so true that in every certain instance—apart from the present text—in which the word is used in an individual sense, the meaning is that of true son. Cf. Gen. 4: 25; 1 Sam. 1: 11; etc. An interesting example is to be found in Gen. 15: 3 (taken in conjunction with 15: 13), as it seems to hover between the notion of progeny and that of son: conscious of the numerous progeny promised, Abraham is more immediately worried over the absence of a son born of his wife, fearing that the child of his steward may become heir to the promise.

In the present text, since only one individual is involved, and since likewise the primary sense of seed is never ignored, the link between the woman and her seed is immediate; there is question therefore of the actual mother of that seed. And such a title, with respect to Christ, belongs exclusively to Mary. This conclusion is substantiated by the word " enmities " which, as Father Trinidad notes, certainly indicates perfect, absolute enmity; it is employed once, to indicate the opposition between the devil and the woman, but it is applied also to the opposition between the devil's seed and the woman's seed; if in the latter case the opposition is absolute, it is certainly absolute in its actual use. Eve certainly is not the recipient of absolute enmity; only Mary receives that gift.

Some have thought to find a reason for restricting the extent of the enmity in the case of the woman while extending it to its fullest in the case of her seed, in the difference in dignity existing between the two. But the attention in the text is drawn to the devil, and not to the dignity of the persons involved; it is God in any case who puts the enmity, and He could put absolute enmity between even the lowest of His creatures and the devil.

Those who would include Eve in the literal sense of the text are faced with the problem of defining the nature of the enmity involved. If it is not in some way special and peculiar to her, there seems no reason for her inclusion in such an important pronouncement. If it is special it must refer either to original

sin or to subsequent actual sin; not the former, since the human race is still heir to original sin; not the latter, since we have no knowledge or suspicion that she was free from sin throughout her later life, nor it is likely that having been a guilty partner to the overthrow of the human race she should be rewarded beyond all others, Mary alone excepted.

The obvious meaning of the text, then, seems to be that a new order is to be established in which the devil can have no part; there will be a new Woman and a new Man to take the place of those who have failed. Almost as a symbolic act signifying the old order as a closed incident, Adam and Eve are driven forth from the place in which that order arose, and the gates are closed behind them.

In conclusion something should be said concerning the second opinion above cited, as there are many exegetes and theologians who defend it. As Father Trinidad well says, a type is really a type because it has within it something which appears in splendor in its antitype. Eve and Mary have but one thing in common—both are mothers of the human race, Mary in a higher and more sublime sense than Eve. But there is no question of maternity in the text save accidentally; the real basis of comparison is the enmity pronounced, and with respect to that enmity Eve is the conquered woman, while Mary is a victor with Her Son. To say that Eve is the source of evil and Mary the source of salvation is to indicate a contrast, but it does not offer a foundation for type and antitype. Eve is a type of Mary, but not by reason of this text.[5]

In the light of the *Ineffabilis Dei* of Pius IX, this conclusion assumes serious importance. According to the Bull, Mary is certainly intended in the text of Genesis; but if Eve cannot be the type of Mary in the text, it follows that Mary is intended in the literal sense. Certainly this seems also the obvious sense of the Bull of definition. The statement runs thus: " Patres Ecclisiaeque scriptores docuere divino hoc oraculo (Gen. 3: 15) clare aperteque praemonstratum fuisse misericordem humani generis

[5] Father Ceuppens, in his *De Historia Primaeva*, p. 196, asserts that Eve is the type of Mary in that from the moment of the punishment of the devil she becomes hostile to him. But the hostility indicated in the text, irrespective of whether it is all-inclusive (i. e., embracing also original sin), seems to be a set, stabilized condition; and we have no warrant for supposing such enmity existing between the devil and Eve.

Redemptorem, scilicet Unigenitum Dei Filium Christum Jesum, ac designatam Beatissimam ejus Matrem Virginem Mariam, ac simul ipsissimas utriusque contra diabolum inimicitias insigniter expressas." If one may choose to doubt whether the term " designatam " has the same force as " praemonstratum," there can be no doubt whatever about the subsequent phrase: " ipsissimas *utriusque* contra diabolum inimicitias *insigniter* expressas ". Is a typical sense a " sensus *insigniter* expressus " ?

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Book Reviews

HEAVENLY CONVERSE. By a Poor Clare Colettine. Sheed & Ward, New York. 1940. Pp. 143.

The title, *Heavenly Converse*, gives an adequate idea of both the subject and the form of this book, which gives the spoken thoughts and affections of a contemplative soul, beautiful thoughts, burning with divine love, flashes of spiritual understanding. The reader should not look for a synthetic system in a book of this kind, where reflexions and affections, or vision and praise, as the author says, follow each other according to the light and inspiration of the moment. We meet the author contemplating the Stations of the Cross and she dedicates the last five pages of her book to the mystery of Christ's Nativity.

The nature of her contemplation is often of a metaphysical order. She seems to be well acquainted with the works of Pseudo-Dionysius, whom she quotes more than a dozen times. The Areopagite should not be taken unconditionally as a trustworthy guide of Christian mysticism. Many of his forceful and daring thoughts can be traced back to pagan Neo-Platonism, and they lead logically to Pantheism. Nevertheless, the doctrine of *Heavenly Converse* is theologically sound, mystically correct, and poetically beautiful. The author proves herself to be one who has not only learned, but felt the things of God.

CATHOLIC SOCIAL THEORY. By Wilhelm Schwer. Translated by Bartholomew Landheer. B. Herder Book Co., St. Louis. 1940. Pp. xv + 360.

In this work the author investigates the fundamental principles that must furnish the basis of a true Catholic theory of society. The traditional teaching of the Church on human society, the preface points out, is concerned with the nature and duties of society as well as with its supernatural foundation, and embraces conclusions which are theological, philosophical, ethical and sociological.

Dr. Schwer treats his matter under three headings: Society and the Theory of Society, the Foundations of Society, and the Construction of Society. He studies the meaning of the term society, and gives in outline the social theories from antiquity to the present time. He then takes up Catholic social theory, explaining the sharp difference between social philosophy and sociology, pointing out that the latter belongs to the practical sciences and tries merely to understand social reality in its immediately apparent phenomena. In the second part, the origin, aim and structure of society are discussed. The principle of unity of society, with a discussion of Christian universalism, and

the principal law of society—the natural law—make up this section. The third part discusses the biological and sociological foundations of society, the family, the state, and the foundation of free social processes—labor and private property. Some of the principles enunciated in the chapter on the state must have been quite unpopular in Nazi Germany. For example, " Natural law, based upon God's will, and every positive divine law stands above the state, its power and laws." There is a good index, but the bibiliography seems to have been padded a bit by the translator or editors.

This book is not for the superficial reader. It requires study and thought, but it will repay study and effort. The method of treatment is well-ordered and clear, although it has not entirely escaped a certain Germanic rigidity. The Catholic who appreciates the importance of the letter of the late Pope Pius XI to the Catholic University of America emphasizing the need for more intensive study of social problems will find this volume exactly what he needs.

A COMPANION TO THE SUMMA. Vol. III. By the Rev. Walter Farrell, O.P. Sheed & Ward, New York. 1940. Pp. viii + 530.

This is the second volume of Dr. Farrell's projected four volume series. It is an exposition of the *Secunda Secundae* of St. Thomas's *Summa Theologica.*

The author's purpose is to present " the *Summa* itself reduced to popular language," and he is carrying out his plan as no other American philosopher has ever done. The matter is clearly, interestingly, vigorously and effectively offered. Dr. Farrell is exact, learned and thoughtful. Moreover, he has a facility of language and is able to clothe the thought of St. Thomas, which he appears to have made his own, in modern English so that it has a real appeal for the average man.

Books such as this will do more to make known the philosophy of the Angelic Doctor than all the well planned and intelligent but mainly dull studies that have been coming from the pens of our neo-scholastic philosophers. In recent years a number of philosophers from the secular universities have written and lectured on scholastic philosophy. The content of their books and addresses has been about the *materia* that is given the first year philosophy student in one of our seminaries, but they have presented it in good and modern English, and have gained deserved acclaim.

Here and there, Dr. Farrell becomes a bit too colloquial, though that will be forgiven him by the average reader. It is to be hoped, however, that the author's good example and courage will inspire other competent American philosophers to publish the result of their studies

in a form that will be read. Until this is done, the real richness of Catholic and scholastic philosophy will be practically unknown and without practical influence in our American schools.

THE DIVINE OFFICE. By E. D. M. The Newman Book Shop, Westminster, Md. 1940. Pp. 97.

This book was written by Father Paul O'Sullivan, a Dominican priest of Lisbon, Portugal, in 1937, but has only recently come to this country. The aim of the booklet is to help priests to say their Office with devotion and pleasure. It does not claim to be erudite or exhaustive, but the author declares it is merely a compendium of some of the beautiful lessons left us by the saints. He stresses the fact that the Office is the liturgical prayer of the Church, and declares that the priest who says his Office devoutly will most likely become an earnest preacher, an able confessor, a prudent director of souls, and his work will be blessed by God. The priest must allot abundant time to the Office. The ruin of the Office is hurry. The priest ought not to be content to recite it with the minimum permitted by canonists, but should dwell on the meaning of the prayers, the psalms and the canticles and enjoy to the full his converse with God.

The simplicity and sincerity of the author is apparent in every page. The chapter, " The Saints and the Divine Office," is unusual. Several of the commendatory letters printed in the front of the book, recommend it for retreats for major orders and for nuns who recite the Divine Office.

THE GENERAL NORMS OF DISPENSATION. By the Rev. Edward M. Reilly, J.C.D. The Catholic University of America Press, Washington, D. C. 1939. Price, $2.00.

Title VI of the First Book of the New Code of Canon Law, consisting of only seven canons, imposes on the canonist recourse to Titles IV and V for an adequate measure of the law on dispensations. The latter titles deal with rescripts and privileges respectively and under the terms of canon 20 supply rules applicable to the subject.

Many examples of this interrelation are presented in the work under review. Dispensations granted orally, for instance, are subject to the restrictions imposed on rescripts in canons 43 and 44, which regulate the precedence accorded the respective jurisdictions enjoying the right to dispense. The present work adverts to these restrictions as applying, in the matter of dispensations, to the precedence between the Roman Pontiff and the Sacred Congregations, between the Sacred Congregations themselves, between the local Ordinary and the Holy See, be-

tween two local Ordinaries, and between the Ordinary and his Vicar General.

Again, the proper notice is given to the nature of a general faculty to dispense by a comparison of canons 66 and 85, and it is described as a privilege *praeter ius*. Dispensations are also regarded in this work as revoked in the same circumstances in which, under canon 77, privileges would be revoked; and canon 76, dealing with the renunciation of privileges by contrary use, is applied also to dispensations, which are held to be governed as if they were non-onerous privileges under this canon.

Yet in the particular conclusions which are enumerated at the end, no word is contained of these matters which are ably handled in the body of the text and advanced there as conclusions. Implicitly, however, the particular conclusions do assume the similarity between rescripts and dispensations. For, the enumeration of the four conclusions derived from the study contains two based on a consideration of canon 43: a dispensation is invalid if granted by a Sacred Congregation after being refused by the Roman Pontiff; and a dispensation is valid when granted by an Ordinary in an emergency after a refusal by the Holy See but unknown when the dispensation was granted.

The third conclusion is warranted by the intrinsic reasons advanced in the body of the text based chiefly on a comparison of canons 81 and 1045. Its phraseology, however, seems inverted; as it stands, it proposes the rather implicit and less important of two conclusions that are shown as interrelated in the text and demonstrated from the same grounds of argumentation. It states that the decree *Proxima Sacra*, of the Sacred Consistorial Congregation, 25 April, 1918, could have practical use without restricting canon 81 to the limits of canon 1045 as to matrimonial dispensations. It is really the latter conclusion that is the more important: that the decree did not restrict canon 81 to the situations contemplated by canon 1045. Other uses of the decree would seem to be irrelevant to this study except insofar as they deprive the decree of the force of restricting canon 81.

The fourth conclusion is a forceful summary of a competent historical study of and commentary on the causes which make a dispensation lawful and valid, in the course of which a precise distinction is made between doubt as to the existence of an adequate cause and doubt as to its sufficiency. The conclusion asserts that even in the case of a legislator's dispensation from his own law, the dispensation is presumed to be invalid, when there is no just cause for the dispensation.

Very little censure is merited by the body of the text but, on the contrary, a great deal of praise. It should prove a reliable handbook to all who are charged with the responsibility of granting dispensa-

tions, even to pastors whose powers, as is pointed out, are restricted to the dispensations indicated in canons 1245, 1044, and 1045. Legal reasons in simple language are advanced for the conclusions derived, supplying to one who may be obliged to consult the work in haste, ample intellectual justification for action. The style is inviting, charged with a naive capacity of persuading one that he is reading his own conclusions. Further commentary written in this vein would undoubtedly insure a more general acquaintance with and a more profound veneration of the principles by which authority opposes itself to chaos.

CANONICAL PROVISIONS FOR CATHOLIC SCHOOLS (Elementary and Intermediate). By Conrad Humbert Boffa, J.C.D. The Catholic University of America Press, Washington, D. C.

A commentary on those canons which exemplify or declare the organic rights and duties of the Church is bound to sound repetitious. This is consequently the case with a commentary on her pedagogical rights and obligations. Secularism through at least three centuries has called forth the voices of her champions, who have raised their challenge above the storms of persecution and chiseled their apologetic on every outpost of the enemy. Unless a canonist is possessed of marked artistry, therefore, his labors on the pedagogical constitution of the Church are foredoomed to the mustiness of anti-climax.

It cannot be said that the present work lived up to the exacting demands just indicated. One dare hardly doubt the adequacy of the commentary; and references whence the commentary is substantiated provide a fresh insight into the history of the Church's insistent struggle. Yet one feels that a dissertation on these very sources would have come at the problem from a more stimulating point of view than the one adopted. For instance, zest might have been created in a study of the assertion of pedagogical rights in concordats as compared with the canons, or in papal documents as compared with concordats.

On the other hand, the present work is justified by its commentary on portions of the law the knowledge of which has not been so widely diffused. In general, these sections pertain rather to ecclesiastical law strictly designated than to the Church's divinely founded constitution. The commentary on these phases is found in Chapters VIII, IX, and X. Indeed, Chapter X in itself effectively demonstrates the competency of the work and is sufficient reason for the canonist to desire it for his shelves. With notable clarity a penetrating analysis is made of the right of the Church to superintend religious instruction in every type of school, even neutral and mixed, with special emphasis on the duties of bishops and the varying relations of the latter with them.

The sections of Chapter IX dealing with the obligations of ordinaries and pastors to found schools and of the laity to support them provide precise juridical concepts in a phase of Catholic Action too often enveloped in the fog of generalizations. So, too, the fruits of a very enlightening investigation are presented in Chapter VIII where a delicate balance is struck between the prohibition and the tolerance of attendance at non-Catholic institutions. The most original breath in the whole work, however, is felt in the second section of this chapter where consideration is given to the conditions under which non-Catholics may be admitted to Catholic institutions, with a rather exhaustive list of the reasons why the canons are opposed to this procedure.

It is far from the intention of this review to indicate that this work is superfluous. Even the sections dealing with the divine rights of the Church and the natural rights of parents are not superfluous. The Code considered as necessary an emphatic repetition of them. So a commentary on the juridical implications of schools would be incomplete without a reference to them. It is the approach of the present work to these fundamental rights which seems unsatisfactory chiefly because it is commonplace. A fresher approach would have justified the detailed treatment given these fundamental concepts. If the commonplace approach was thought to be more appropriate in a legal work, then, in consideration of the numerous volumes previously dedicated to the same matter, a brief summary should have been prefixed to Chapters VIII, IX, and X, in which the work is entitled to praise. These chapters are marked by an intellectual lucidity eloquent of diligent research and scientific discernment.

The style throughout is pleasing, and the organization of material is skilfully handled. An alphabetical index aids in locating with ease the important topics.

The work can be recommended as heartily to the clergy generally as to the canonist. Pastors will find in it a source of fresh material for sermons on the parish school; moderators of Newman Clubs will find it an indispensable handbook; commencement speakers will find several addresses in it available for use with little alteration; chaplains of private schools and academies can rely on it as a juridically competent guide; and confessors will need the knowledge of its precise distinctions in directing parents, teachers, principals, and even pastors and ordinaries in their respective rights and obligations.

Book Notes

There are few Catholics who have not at least heard of St. Gemma Galgani. The volume entitled *St. Gemma Galgani*, by the Most Rev. Leo Proserpio, S.J., will give them a very good idea of the outstanding sanctity of this little saint of our own times.

Dying in 1903 at the age of twenty-five, St. Gemma crowded into a short quarter of a century an experience of poverty, suffering and contradiction that seldom falls to the lot of man. Into that same period, however, were crowded prayers, devotions, heroic virtues and divine favors that make the difference between one of God's saints and the disgruntled, discontented vagabond.

Bishop Proserpio has written a simple account, based principally on St. Gemma's autobiography. The second section of the book, dealing with the saint's apparitions, stigmatism and death, is carefully done. Those who wish to know more about the latest creature to be raised to the dignity of our Catholic altars will find this an interesting volume. (The Bruce Publishing Company, Milwaukee, Wis. 1940. Pp. xx + 212.)

The President of St. Patrick's College, Maynooth, Dr. D'Alton, has long been recognized as one of the outstanding classical scholars, and his Greek text edition, with introduction and commentary, of *Selections from St. John Chrysostom*, will meet with a warm reception from scholars and students. It is Monsignor D'Alton's first publication on the Fathers of the early Church, but it should do no little to enhance his reputation.

The book is compiled from his notes for his own students, and the author's purpose is to provide a text that will open the fine Greek of St. John Chrysostom to classical students who might be repelled by the imposing editions of Montfaucon or Migne. His selections are characteristic of the saint's writings, and include the famous passage on the death of Julian. Each selection from the Greek is prefaced by an introduction giving a proper background. The notes, while not too copious, are well considered. Unfortunately, Monsignor D'Alton has not thought well to make many critical notes on the text which is essentially that of Montfaucon.

The volume will be welcomed by Greek teachers, and where it is used in class, students will find it a pleasant variant from the wars, politics and theatricals of the usual text books. (Burns Oates and Washbourne, Ltd., London. 1940. Pp. viii + 394.

Teachers Manuals for the three books of *Catholic Faith*, the catechism sponsored by the Catholic University of America, are now ready for distribution. The books are excellently done, are prepared in accordance with the latest established theories of pedagogy, and should be a real help to the teacher. Neither a teachers manual nor a text, no matter how carefully prepared can supply for experience and natural teaching ability, but the tyro teacher will find that the Catholic University catechisms lighten preparatory work, while the experienced teacher will find the catechism text within the grasp of her charges and many a helpful hint in the teachers manual. (The Catholic University Press, c/o P. J. Kenedy & Sons, New York. Pp. xi + 138; xiii + 442.)

Sheed and Ward, Inc., of New York announce three new additions to their Catholic Masterpieces Series, *The Son of God* by Karl Adam, *The Belief of Catholics* by Ronald Knox, and *The Church and The Catholic* by Romano Guardini. (Pp. 309, 254, 211. Price, 50c. each.) The object of the publishers is to provide outstanding pieces of modern Catholic literature at a low price. The books are bound in heavy paper, and no effort has been made to dress up appearances. The type face however is sharp and clear.

The importance, charm and brilliance of the volumes are known and appreciated. The importance of the Catholic Masterpiece Series lies in the fact that it makes these volumes available at low cost. The publishers are to be congratulated and encouraged for undertaking this educational experiment.

Seraphic Days, edited from a friar's manuscript by Father Sebastian Erbacher,

O.F.M., gives an instruction and meditation for each of the principal feasts of our Lord and the Blessed Virgin and all the saints of the three orders of Franciscans. It is a book that will have a special appeal for members of the Third Order of St. Francis. (St. Anthony Guild Press, Paterson, N. J. Pp. vii + 327.)

The Little Virtues, by the Rev. David P. McAstocker, S.J., discusses courtesy, cheerfulness, order, loyalty, the use of time, punctuality, tact, sincerity, caution in speech and unbiased judgments. The inspiration for each of these themes seems to have been the Little Flower herself. At the end of each chapter is a liberal quotation from the writings of this saint. The purpose of the author is apparently to assist some dilatory souls to jerk themselves out of their apathy and to do so from more than a natural motive. He writes easily and there is a certain lightness in his manner of treating his subjects. The author knows how to fuse the natural with the supernatural. (Milwaukee: Bruce Publishing Co. Pp. 213.)

Longmans, Green & Co. announce a third and revised edition of Volume III of the Westminster Version of the Sacred Scriptures. This volume comprises St. Paul's Epistles to the Churches, and is one of the four volumes that complete the Westminster New Testament. The excellence of the notes and commentary as well as the translation is so well known in English-speaking ecclesiastical circles that there is little need to do more than announce the appearance of this new edition. (New York, Longmans, Green & Co. 1939. Pp. lxiv + 258. Price, $3.40.)

Volumes I and II of "Le Feste" which is Part II of "Il Culto" of Monsignor Giuseppe Perardi's *La Dottrina Cattolica* are now available to priests serving in parishes for Italian-speaking Catholics. Thirteen volumes of the series have thus far appeared. The first of the present volumes is concerned with the feasts of the liturgical year; the second with the principal feasts of our Blessed Mother, St. Joseph, St. John the Baptist, Sts. Peter and Paul, St. Stephen, the Archangels, the Holy Innocents, and St. John the Evangelist. There are also instructions on the Souls in Purgatory, All Saints' Day and patron and titular saints. Monsignor Perardi's aim is primarily instructional, but there is some devotional matter and occasionally something controversial. The volumes will be an excellent aid to the priest who is preparing a panegyric. (Roberto Berruti & Co., Torino, Italy. 1940. Pp. 489 and 504. Price, 2 vols. L 35.)

One Life in Christ, by Sister Mary of the Angels, R.S.M., is the biography of Mother Catherine McAuley, foundress of the Sisters of Mercy. Sister apparently has written for the members of her order and its friends, and although she handles her material well, she has adopted the laudatory style that is not appreciated by the scientific historian. The publisher has done a splendid bit of book-making. The print is large and clear, the paper good, the binding pleasingly artistic. The illustrations of the chapter divisions by Lyof Treguebouff are well conceived and executed. The frontispiece, a portrait of Mother McAuley, is excellently done. (P. J. Kenedy & Sons, New York. 1940. Pp. 141.)

Our Sunday Visitor Press, Huntington, Indiana, announces the appearance of three new pamphlets for the National Council of Catholic Men. *Peace, the Fruit of Justice* and *The Seven Last Words and the Seven Virtues* are the Sunday evening addresses delivered by Monsignor Sheen of the Catholic University of America from 7 January to 24 March last. The third pamphlet, *Memories 1930-1940*, contains the addresses delivered in the Tenth Anniversary Broadcast of the Catholic Hour on 3 March, 1940, with congratulatory messages and excerpts from press notices. (Pp. 54; 72; 75.) The Catholic Hour broadcast is of course well known to all American Catholics. The work of the N.C.C.M. could accomplish even more good if our parochial clergy would call attention to the fact that the addresses, neatly and conveniently arranged in pamphlet form, are available at nominal cost.

The Commandments of God, by the Rev. Thomas Roche, C.SS.R., is a reprint of a series of articles that appeared in the *Pittsburgh Catholic*. The command-

ments are taken in order, and each is rather thoroughly explained. The text is simple and direct. There is a pleasing lack of technical terms, and the cases are taken from everyday life. This is an excellent book to have on hand for the anxious inquirer, or to yield a hint for the instruction hour. (The Mission Church Press, Boston, Mass. 1940. Pp. 130.)

THE ECCLESIASTICAL REVIEW welcomes *Culture*, the new Canadian quarterly review of the sacred and profane sciences. The first number contains four main articles, "Courtoisie missionnaire," "L'Ecole des bibliothécaires," "En marge de l'éducation des adultes" and "Maîtres de leur destinée". There is also an article, "Le caractère sacramental," by the Rev. L.-M. Puech, O.F.M. The other sections are "Melanges", "Chronique", "Comptes rendus" covering Canadian and foreign, principally French, publications, and "Répertoire bibliographique". *Culture* gives promise of being a valuable addition to Pan American Catholic thought.

The Canon Law on Sermon Preaching, by James McVann, J.C.D., is a doctoral dissertation of the Pontifical Gregorian University, and follows the usual form of presenting the history on the subject followed by commentary. The subject is hardly a juridic one, only two of the canons having real juridic content, but Dr. McVann has done a creditable piece of work.

The chapters that will be of interest to the priest engaged in parish work are Canonical Missions, Right and Obligation to Preach, Contents and Circumstances of the Sermon. The bibliography is padded, but the index is quite good. The last chapter mentioned above will be of particular interest as it contains paragraphs on situations that frequently arise in the parish. For example, as part of commentary under Canon 1350: "Priests are sometimes asked to address inter-denominational meetings that are not strictly religious services. They are not to accept the invitation without permission from the Ordinary, and no case is imagined so urgent as to justify a presumed permission." The author, however, might well have given his sources for this opinion, since such occasions arise rather frequently in parish work. (Paulist Press, New York. 1940. Pp. 190.)

The Columbia University Press has issued an *Index* to its eighteen-volume *The Works of John Milton*. The *Index*, containing some 170,000 entries, was prepared by Frank A. Patterson, assisted by French Rowe Fogle. In addition to listing all proper names and presenting all the important passages containing references to a given idea, the *Index* gives parallels between Milton's own work and that of classical and contemporary writers. There are also cross references which show how Milton's work treated various ideas differently at different times.

The *Index* is of course intended primarily for use with the Columbia Press edition, but it can be used with other editions as the references are easily identifiable. The *Index* is a real contribution and aid to the study of English literature. (Columbia University Press, New York. 2 vols. Pp. xvi + 2141.)

The Book of the Miraculous Medal by "A Vicentian Father" gives a succinct history of this popular devotion to the Blessed Virgin, a short outline of the life of Blessed Catherine Labouré, and several chapters on the investing with the medal and the proper of the Masses for the feasts of the Miraculous Medal, Blessed Catharine and the Immaculate Conception. There is nothing novel in the little book. It is intended for the laity, to enable them to have a more enlightened and practical devotion to the Medal "which is the Immaculate Mother's gift". (Sands & Co. Ltd., London, England. 1939. Pp. 109.)

Books Received

MEMORIES. 1930-1940. The addresses delivered in the Tenth Anniversary Broadcast of the Catholic Hour, together with congratulatory messages and editorials. Our Sunday Visitor Press, Huntington, Indiana. 1940. Pp. 75. Price, 25c.

PEACE, THE FRUIT OF JUSTICE. By the Right Reverend Monsignor Fulton J. Sheen. Five addresses delivered in the nationwide Catholic Hour. Our Sunday Visitor Press, Huntington, Indiana. 1940. Pp. 54. Price, 10c.

THE SEVEN LAST WORDS AND THE SEVEN VIRTUES. Seven addresses delivered in the nationwide Catholic Hour. By the Right Reverend Monsignor Fulton J. Sheen. Our Sunday Visitor Press, Huntington, Indiana. 1940. Pp. 54. Price, 15c.

SERAPHIC DAYS. Franciscan Thoughts and Affections on the Principal Feasts of Our Lord and Our Lady and all the Saints of the Three Orders of the Seraph of Assisi. Edited from a Friar's Manuscript by Father Sebastian Erbacher, O.F.M. Duns Scotus College, Detroit, Michigan. The Saint Anthony Guild Press, Paterson, N. J. 1940. Pp. vii + 327. Price, $2.00.

THE CHURCH AND THE CATHOLIC. And the Spirit of the Liturgy. By Romano Guardini. Translated by Ada Lane. Sheed & Ward, New York City. 1940. Pp. 211. Price, 50c.

THE SON OF GOD. By Karl Adam. Translated by Philip Hereford. Sheed & Ward, New York City. 1940. Pp. 309. Price, 50c.

THE BELIEF OF CATHOLICS. By Ronald Knox. Sheed & Ward, New York City. 1940. Pp. 254. Price, 50c.

THE COMMANDMENTS OF GOD. Explained and Illustrated by Practical Examples from Daily Life. By the Reverend Thomas B. Roche, C.SS.R. The Mission Church Press, Boston, Mass. 1940. Pp. 130. Price, 25c.

SAINT PHILIPPE NERI (1515-1595). Fondateur de l'Oratoire romain. Un Volume de la Collection "Les Saints". Par Andre Baudrillart. J. Gabalda et Cie, Paris, France. 1939. Pp. 196. Prix, 11 fr.

TOWARD LOVING THE PSALMS. By the Reverend C. C. Martindale, S.J. Sheed & Ward, New York City. 1940. Pp. xi + 308. Price, $2.75.

CHARACTER EDUCATION IN ADOLESCENCE. By Rudolf Allers, M.D., Ph.D., Professor of Psychology, Catholic University of America. Joseph F. Wagner, Inc., New York City. 1940. Pp. 188. Price, $1.00.

ON THE TRAIL OF THE EIGHT-POINTED CROSS. By Elizabeth Wheeler Schermerhorn. G. P. Putnam's Sons, New York City. 1940. Pp. xvi + 421. Price, $4.00.

PROBLEMS FOR THOMISTS. The Problem of Species. By Mortimer J. Adler. Foreword by Jacques Maritain. Sheed & Ward, New York City. 1940. Pp. xviii + 303. Price, $2.50.

HAPPINESS IN MARRIAGE. By the Reverend J. Leo McGovern and R. H. D. Laverty, M.D. Sands & Company, London, England. 1940. Pp. 106. Price, 2/6.

THE BOOK OF THE MIRACULOUS MEDAL. By a Vincentian Father. Sands & Company, London, England. 1940. Pp. 109. Price, 1/3, *net*.

THE SUCCESSFUL ERROR. A Critical Study of Freudian Psychoanalysis. By Rudolf Allers, M.D., Ph.D. Sheed & Ward, New York City. 1940. Pp. ix + 266. Price, $3.00.

SELECTIONS FROM SAINT JOHN CHRYSOSTOM. The Greek Text edited with Introduction and Commentary by the Right Reverend J. F. D'Alton, D.D., D.Litt. Burns, Oates & Washbourne, Ltd., London, England. 1940. Pp. viii + 394. Price, 8/6 *net*.

THE CANON LAW ON SERMON PREACHING. A Doctorate Dissertation in the Faculty of Canon Law of the Pontifical Gregorian University, Rome. By the Reverend James McVann, C.S.P. The Paulist Press, New York City. 1940. Pp. vii + 190. Price, $1.00.

MEN AT WORK AT WORSHIP. America Joins the Liturgical Movement. By the Reverend Gerald Ellard, S.J., Ph.D. Preface by the Most Reverend John G. Murray, D.D., Archbishop of Saint Paul. Longmans, Green & Company, New York City. 1940. Pp. xvi + 307. Price, $2.50.

LE LIEUTENANT PSICHARI. Par Aime Lauziere. Maison de la Bonne Presse, Paris, France. 1940. Pp. 95. Prix, 3 francs.

SOCIOLOGY. By Walter L. Willigan and John J. O'Connor. Longmans, Green & Company, New York City. 1940. Pp. xi + 387. Price, $2.00.

DICTIONARY OF THE AMERICAN HIERARCHY. By the Reverend Joseph B. Code. Introduction by the Most Reverend Amleto Giovanni Cicognani, D.D., Apostolic Delegate to the United States. Longmans, Green & Company, New York City. 1940. Pp. xxii + 425. Price, $3.75.

ST. BONAVENTURE SEMINARY YEAR BOOK, 1940. Volume 24. Duns Scotus Theological Society, St. Bonaventure Seminary, St. Bonaventure, N. Y. 1940. Pp. 139.

SCIENCE AND WISDOM. By Jacques Maritain. Translated by Bernard Wall. Charles Scribner's Sons, New York. 1940. Pp. x + 241. Price, $3.00.

THE GENERAL NORMS OF DISPENSATION. An Historical Synopsis and Commentary. By Edward M. Reilly, J.C.D. The Catholic University of America Press, Washington, D. C. 1939. Pp. xii + 150. Price, $2.00.

THE SERVANT OF THE LORD. By Adelaide Tague Case. The Woman's Press, New York. 1940. Pp. 39. Price, 50c.

MISSA "ORBIS FACTOR". By Carlo Rossini. J. Fischer & Brother, New York. 1940. Pp. 40. Price, 80c.

PROOF OF DEATH IN PRE-NUPTIAL INVESTIGATION. By the Rev. Patrick W. Rice, J.C.D. The Catholic University of America Press, Washington, D. C. 1940. Pp. vii + 150. Price, $2.00.

SUPPLIED JURISDICTION ACCORDING TO CANON 209. By Francis S. Miaskiewicz, J.C.D. The Catholic University of America Press, Washington, D. C. 1940. Pp. xii + 323. Price, $2.00.

A COMMENTARY ON CANON 1125. By the Rev. Francis J. Burton, J.C.D. The Catholic University of America Press, Washington, D. C. 1940. Pp. xi + 203. Price, $2.00.

WORD-ORDER IN SELECTED SERMONS OF THE FIFTH AND SIXTH CENTURIES. By Mother Myrtle Wilkins, Ph.D. The Catholic University of America Press, Washington, D. C. 1940. Pp. ix + 164.

EMERGENCY EDUCATION. A Social Study of the W.P.A. Education Project in Rhode Island. By William R. Clark, Ph.D. The Catholic University of America Press, Washington, D. C. 1940. Pp. xii + 177. Price, $2.00.

AN INDEX TO THE COLUMBIA EDITION OF THE WORKS OF JOHN MILTON. By Frank Allen Patterson and French Rowe Fogle. Columbia University Press, New York. 1940. Pp. xvi + 2141 (two volumes). Price, $12.50.

THE INFALLIBILITY OF THE CHURCH IN ANGLO-CATHOLIC THEOLOGY. By the Rev. John J. Galvin, S.T.D. Privately printed by the author at St. Edward's Seminary, Kenmore, Washington. 1939. Pp. xxii + 153. Price, $2.00.